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County Clerk, Santa Fe, NM

SANTA FE
BOARD OF COUNTY COMMISSIONERS
MEETING
February 27, 2007

- Virginia Vigil, Chairman
- Jack Sullivan, Vice Chair
- Michael Anaya
- Paul Campos
- Harry Montoya

SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

February 27, 2007

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 10:28 p.m. by Chair Virginia Vigil, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Following the Pledge of Allegiance and State Pledge, roll was called by County Clerk Valerie Espinoza and indicated the presence of a quorum as follows:

Members Present:

Commissioner Virginia Vigil, Chair
Commissioner Jack Sullivan, Vice Chairman
Commissioner Paul Campos
Commissioner Mike Anaya
Commissioner Harry Montoya

Members Absent:

[None]

V. INVOCATION

An invocation was given by Deanna Cordova of Pojoaque.

VI. APPROVAL OF THE AGENDA

- A. Amendments**
- B. Tabled or withdrawn items**
- C. Consent Calendar: Withdrawals**

CHAIR VIGIL: Are there any changes?

ROMAN ABEYTA (County Manager): Yes, Madam Chair, we have the following amendment to today's agenda. The first under IX. Matters from the Commission, we added C. A resolution acknowledging the Vista Grande Library service area.

Then under XI. A. 4, we are removing this request from the agenda. We've actually -

we were successful in obtaining a grant so this item is no longer needed. And under XII. Staff and Elected Official Items, D. County Manager, we have added 2. The Santa Fe County Strategic Plan where we will have a plan overview. We will request direction and possible action regarding County projects for water and wastewater and roads, and C. We'll request direction on a proposed County reorganization.

And finally, Madam Chair, we added item XII. E. Matters from the County Attorney, 2. Consideration of an ordinance amending Ordinances 1996-10 and 1198-15, the Santa Fe County Land Development Code relating to underground placement of utility lines, and that would be the first public hearing on this item. Other than that, Madam Chair, there are no further changes from staff.

CHAIR VIGIL: Okay. Are there any considerations for removal from the Consent Calendar?

COMMISSIONER SULLIVAN: Madam Chair.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Item 6.

CHAIR VIGIL: Item 6 is requested to be removed and discussed. Any others?

COMMISSIONER CAMPOS: Madam Chair.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: It relates not to that item, Consent but to the agenda. I'd like to move item IX. A. Consideration of the JPA with the Board of Commissioners and the greater Chimayo Mutual Domestic to XII. B. 2 so we can have some perspective and discuss it within the context of the Santa Fe County strategic plan.

CHAIR VIGIL: Okay, there's a motion to move item IX. A to XII. B.

COMMISSIONER SULLIVAN: Is this approval of the agenda?

CHAIR VIGIL: No, there's a request that that be moved – a proposed amendment.

COMMISSIONER CAMPOS: A proposed amendment for when we approve the agenda.

COMMISSIONER ANAYA: Second.

CHAIR VIGIL: There's a motion and second to move item IX. A to XII. B.

Does this motion include the opportunity for those members of the Chimayo Mutual Domestic Water Association to provide a presentation, which I believe they're prepared for?

COMMISSIONER CAMPOS: I guess it would. I'm not sure. How do you want to handle it?

COMMISSIONER MONTOYA: I would like to handle it as it's on the agenda, quite frankly.

COMMISSIONER CAMPOS: With no action taken and have the matter discussed in the bigger context, under XII. B. 2. Is that okay?

COMMISSIONER MONTOYA: Well, again, I would rather not. I would rather that we do take action on this. I did mention a couple of meetings ago, to the Commission that this was forthcoming. Unfortunately, the timing of this based on having a

study session after the fact that this had come in as a request, the timing's not good to throw this out and start discussing it as a study item, in my opinion.

CHAIR VIGIL: Okay. There is a motion and a second to move that item to a study session.

The motion to move item IX. A to be heard with XII. B. 2 passed by 3-2 voice vote with Commissioners Montoya and Vigil voting against.

CHAIR VIGIL: I suggest that those people who are here to make a presentation on the greater Chimayo Mutual Domestic Water Association do have the opportunity as they were prepared to present to us during our study session and perhaps stay in touch with either the County Manager or constituent services as to when we will hear that because that is towards the end of today's calendar.

COMMISSIONER SULLIVAN: Madam Chair.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Would it be possible if the Chimayo people who are here wanted to go ahead and make the presentation that that would be okay. I think we should discuss the matter in the context of all the water and sewer projects that we have to discuss today. We don't want to make them sit here until 5:00 tonight.

COMMISSIONER CAMPOS: I agree. I think that would be perfect.

COMMISSIONER SULLIVAN: If that would be all right with the chair.

CHAIR VIGIL: I'm actually hearing consensus from different parts of the motion so we'll continue with the presentation but no action will be taken. Any other items to be removed for discussion. Commissioner Montoya.

COMMISSIONER MONTOYA: Madam Chair, XI. A. 1, XI. A. 3 and XI. B. 1 are my requests.

CHAIR VIGIL: Okay. Any other discussion items outside of the Consent. Hearing none, can I have a motion to approve the agenda with amendments?

COMMISSIONER SULLIVAN: Move to approve.

COMMISSIONER CAMPOS: Second.

CHAIR VIGIL: Motion and seconded. Any discussion?

The motion to approve the agenda as amended passed by unanimous [5-0] voice vote.

VII. APPROVAL OF THE MINUTES:

A. January 30, 2007

CHAIR VIGIL: Are there any changes to those minutes?

COMMISSIONER MONTOYA: I've got some, Madam Chair.

COMMISSIONER SULLIVAN: I've got some, Madam Chair.

CHAIR VIGIL: Are they clerical? Are they corrections? Are there any that you want to explain or will you just be okay with giving it to the Clerk.

COMMISSIONER SULLIVAN: I'm okay with just providing it to the Clerk.

CHAIR VIGIL: Okay. Is there a motion?

COMMISSIONER SULLIVAN: Move for approval of the minutes of January 30, 2007 as amended.

COMMISSIONER CAMPOS: I'll second that.

CHAIR VIGIL: Motion and second. Any discussion?

The motion to approve the January 30th minutes passed by unanimous [5-0] voice vote.

VIII. MATTERS OF PUBLIC CONCERN – NON-ACTION ITEMS

CHAIR VIGIL: These are non-action items and this is an opportunity for any members of the public to address the Board of County Commissioners on any issues that you would like. If you are wanting to speak to the Commission with regard to any items that's on the agenda please wait until that item on the agenda is heard. But if you have another item that's not listed in today's agenda, please step forward to address the Commission.

JOHN MCGILL: My name is John McGill. I live at 3 Calle Perezoso in the county. I wanted to speak about a recent application or series of applications that the County seems to be making to the State Engineer's Office for well permits and water rights transfers. Every year, there's this meeting on the Española Basin study by hydrologists from all over the Southwest and at last year's meeting there was a presentation by a guy who I guess had been contracted by the County, I guess the hydrologist, to study locations for various supplemental wells or backup wells or things like that, in the county. He had a half a dozen or so criteria. How close it is to domestic wells, how close it is to a needed service area, the depth of the water at various places.

Anyway, it looked like a well thought out plan. There was public input into this process that had gone forward and it was pretty impressive. He had a bunch of these big maps of the county that went red to blue to green, depending on which criterion he was presenting at the time as to where the best sites for wells would be if the County needed to drill supplemental wells. It was pretty impressive the level of detail and the study that they had done. This was not looking at existing well sites, it was just looking at the county as to where things ought to be.

And now it appears – I read this article in the paper not too long ago – it appears that the hydrologist or somebody on the staff has decided to pick out 17 specific wells that exist in the county and go to the State Engineer and apply to use those for supplemental pumping for the needs of the County water system. I'm just disappointed that this deliberate and deliberative process that looked like it was in place has been abandoned for a kind of – let's find all the

pieces on the ground and pick them up and apply for rights to use them.

So I would encourage the County to go back to the process that had public input. It was a well thought out process in terms of identifying various criteria and whether they're criteria or right or wrong or weighted properly is something that people can agree or not on. But nevertheless it was a process that looked like it was to study where the best sites for wells if we need supplemental wells for the County. What's going on now seems to have abandoned that and just is looking for existing wells and going to pick them up and go to the State Engineer and apply for the right to use the water. So I encourage the County to go back to the original process and abandon this thing of saying we want to apply water rights to these existing 17 sites that we've identified.

CHAIR VIGIL: Thank you, Mr. McGill. We may have some questions.

COMMISSIONER CAMPOS: I have some questions for you. Do you agree that it is a good idea for the County to do the hydro study and to have a well system to supplement our water system?

MR. MCGILL: I'll agree to the first part of that. I don't know enough to say whether it's a good idea to have a supplemental well system or not. I know now, for example, you buy water from the City, from their existing wells. Once the diversion goes through and the future growth of the county and all those other things get put into place, it may be that you'll want some supplemental wells, but I don't know that. And I would like to have a process where I could learn that.

COMMISSIONER CAMPOS: Okay, well let me ask you another question. You know the County would like to have growth area and provide infrastructure, including water to these areas so that we don't have the urban sprawl or the suburban sprawl that we have currently. Do you agree that that's a major problem and that's a goal that we should ascribe to resolve?

MR. MCGILL: I think it's a worthy goal to have planning to avoid sprawl and cluster development and things like that. I have no problem with that.

COMMISSIONER CAMPOS: I think there's room for discussion. I've gotten a lot of e-mails that don't leave any room for discussion and I'm concerned about that. I'm glad you understand what our goals are and that these are very important public goals that I think need to be achieved.

MR. MCGILL: I would just say I would like to understand better what your goals are. This process that's going forward now has kind of come to me at least out of the blue, but maybe there has been public input that I'm not aware of but it seems to have gone a different route.

CHAIR VIGIL: Thank you, Mr. McGill. If I could direct you to our Water Resource Director who could better inform you. And I have to disagree with you. I do not believe the public process has been abandoned. This is a project that did start through study and unfolded particular sites. Whether or not those are the sites that are decided on, we'll still include public processes. The State Engineer's Office itself includes public processes. But I'd like to refer you to perhaps gain that better understanding through our Water Resource Director

who is in the audience right now and perhaps, Dr. Wust, if you could stand up. And I don't know if you've had an opportunity to speak to Mr. McGill, but if you'd like to speak to him and schedule an appointment I think that he would be able to better give you more insight into what's happening here.

I agree with Commissioner Campos, we're all actually getting an inordinate amount of e-mails asking us to take an action that we don't feel there's been discussion on, that certain people have taken positions on without really engaging in further discussion. We're trying to go through our own prudent process of moving forward and creating a portfolio for the future of Santa Fe and for the current residents. I don't know that that communication has been exchanged very well at this point in time. But I agree with you. I think the further we encourage the kind of education that we all need to have, the better we are, but at this point in time, I think Dr. Wust would better be able to explain for you what exactly is going on.

MR. MCGILL: I just wanted to make my point that it seems like the thoughtful process was abandoned, but you're saying that you don't think it has.

CHAIR VIGIL: I don't believe it has. I actually think we have taken steps towards this place and diligent steps, based on the study that you referenced. And this has happened even before I came on board. This hasn't been an overnight decision. There have been discussions and public hearings on water resource availability and what the County should do and where they should go, and sometimes ancillary to that, that means engaging our selves in a process of permitting, and that permitting process may give us more insight into what decisions we need to make, but we don't have those decisions fully made.

MR. MCGILL: Okay.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Let me just add to the dialogue if it will help. I think the Commissioners have been getting a lot of e-mails, particularly from people in one subdivision who don't want a well near their particular subdivision, and a few others from persons in other subdivisions. The original study, and what I think you witnessed and we did as well was an investigational study for the whole Santa Fe metropolitan area. The result of that study was the consultant came up with areas that showed potential for wells. The next step as I understood it in that study was to be for more specific recommendations for specific locations, and I think that's maybe what you were looking for as well, as the next step to come forward.

In the interim for that, and in fact we approved an amendment to the hydrologist's contract to do that, in the interim the State Engineer apparently came out with some regulations and some deadlines that said if you have water rights, which Santa Fe County does, of a certain type, you need to make application by a certain date. Well, this deadline was before we're going to complete the specific recommendations on the wells. So the staff rushed out and we didn't have any specific locations to move our water rights, other than Buckman, and not all of those water rights are best moved to Buckman, because some of them are in-basin rights as opposed to Rio Grande rights.

So what the staff did, my understanding, is they contacted everyone that had a well that expressed any interest and said can we at least make application to move some of these rights to

your well, and if they owner said yes then they added them on this list of 17 wells. Now, number one, that doesn't in any way indicate that the Board of County Commissioners has approved anyone moving any of these water rights to any well, anywhere. So we're not even near that decision making process. It does add another element into the equation, which we were going to have to have anyway, and that is, will the State Engineer approve water rights to be moved to this location. There are questions from people in La Cienega who have questions about will their wells be impaired. There are questions for people who live in the neighborhood of the proposed Suerte development who say will our wells be impaired?

So this is probably one way to get those questions answered, at least from the standpoint of the State Engineer, to say either there will be an impairment or there won't be impairment. So that adds a factor into our evaluation that we can utilize. Now, I'm still anticipating that the hydrology study will still come back with public input and say we recommend, based on those same criteria, that the County develop this well program here, here and here. It may be an existing well; it may be a new well. So that, it is my understanding, is still on track. In the meantime we're doing this parallel thing, this scattershot as it were of water rights applications to all these wells. That may answer some questions that we have in our mind anyway.

There may be some of those that the State Engineer says, either for water quality reasons or for impairment reasons, aren't going to work. So if those wells don't work, they're out of the equation anyway, and then we still have to go take a look and say, now, of the remaining wells and of the remaining areas, should we deal with an existing well or should we drill our own well? What are the economies of that? That part of the study hasn't come and I've seen some e-mails where people have said please do that. Please have this study. So I can only assure you that that's going to happen and that's ongoing. But this process that came in the interim was one that was occasioned by a regulatory change at the State Engineer's Office where we had a bunch of water rights that would become worthless if we didn't make some application somewhere, which is what the staff and the County Manager decided to do in order to preserve our rights.

That's my understanding of it and as the chair says, if you discuss it with Dr. Wust a little further he can probably give you a better explanation than that, but that's my understanding of it. Madam Chair, is that kind of the way you understand it?

CHAIR VIGIL: I just need Steve to nod yes or no. These 17 sites, are there wells on all of these sites? I think some of them they're just locations. Some of them do have wells. Some of them are private wells. Some of them are abandoned wells. We're looking at the aquifers in these areas through the State Engineer Office. Is that a yes or a no? Yes? Okay. That's all I need. Commissioner Montoya actually has the floor next.

COMMISSIONER MONTOYA: Thank you, Madam Chair. I actually had this under Matters from the Commission because I also continue to receive an inordinate amount of e-mails that I believe have been generated as a result of misconstrued information or construed information to the people that are sending it out, because none of this discussion has been had and I actually requested that we even have an editorial or something that has come out that corrects the information, and I don't know where that's at. I haven't seen anything in the

newspaper to date that corrects anything that was stated in there, because the fact of the reality is as has been stated – all the Commissioners here have said something so far.

So I think that to say that the sky is falling at this point is a bit premature, but that's the impression that I'm getting by a lot of the correspondence that I'm getting. I wish that we would move on this and get some sort of corrected information out there so the public knows that we haven't abandoned the process, we're continuing to work on it and we'll continue the public process. So I would hope that that would happen soon. Roman.

MR. ABEYTA: Madam Chair, you will have something today.

COMMISSIONER MONTOYA: Thank you, Madam Chair.

CHAIR VIGIL: Thank you, Commissioner Montoya. Any other comments. Thank you for coming forth, Mr. McGill. We really appreciate. Is there anyone else who would like to address the Commission?

MARY FELDBLUM: Thank you, Madam Chair and Commissioners. My name is Mary Feldblum and I live in Corrales, New Mexico, at 670 Menier Road. I am the executive director of the Health Security for New Mexicans Campaign. I have presented to this body before. With the permission of the chair, may I please pass out some papers? *[Exhibit 1: Information Packet]*

CHAIR VIGIL: You may.

MS. FELDBLUM: As you may recall, the Health Security Plan which has actually been introduced in the legislature as the Health Security Act would enable New Mexico to set up its own healthcare plan that would cover most New Mexicans. It's a plan that would be structured like a cooperative, with freedom of choice of doctor and hospital, including across state lines, and a comprehensive benefit package. Since the time I last spoke to you, our growth in our coalition has grown dramatically and in addition, one of the sheets that I'm sharing with you is the number of cities, towns and villages and county commissions that have passed resolutions specifically in support of the Health Security Act. Currently there are 12 county commissions. This evening I'm going down to Socorro, which is considering a resolution in support. McKinley County next month and San Miguel County are two more that are considering resolutions in support.

I'm here today to ask if perhaps you would consider a resolution in support at your next meeting as an action item. The legislation has been introduced in the House and the Senate. It's Senate Bill 720, by Senator Carlos Sisneros. It's passed its first committee, Senate Judiciary, and it's now in Senate Finance. The House bill by Representative Bobby Gonzales has been introduced as House Bill 1222 and it will have its first hearing in the Health and Government Affairs Committee this Thursday and then proceed, if it passes, on to the House Appropriations.

CHAIR VIGIL: Thank you, Mary. Commissioner Campos.

COMMISSIONER CAMPOS: Is this a competing piece of legislation? Are there other pieces of legislation competing with this idea?

MS. FELDBLUM: Madam Chair, Commissioner, no. There are no other – the Governor is wanting to expand Medicaid, so there is an effort to put it more state dollars so that

Medicaid can be expanded. But there is no competing legislation. There is, however, a Governor's Task Force that is conducting a study of three models. Ours is one of them. In fact it was the first choice. And the insurance industry has been saying, as well as the Secretary of Human Services, wait for the results of the study which would come out in June.

The response of the sponsors and quite a few legislators is that this is the way to go and the other two models are really extensions of the current private insurance system. So if this is the model then it should begin and the study would actually complement what needs to be done in the first year should this act pass. If we take a step of setting up a cooperative in New Mexico this is not something that can be rushed into. And the legislation builds in a three-year process. The first year would be the Legislative Finance Committee calculating the numbers. Figuring out is this in fact affordable. If it isn't, it's the end of the story. But this way, the Legislative Finance Committee would have one study to start from and not just start from ground zero. Mathematica has been hired. It's a very reputable group.

Right now actually, and I will be honest with you, and my background is I'm a social scientist. My PhD is in sociology and economics and I am very concerned that what the modeling that is being requested by the Human Services Department has changed the Health Security Act, which would completely mean to us that the validity of this study is in question, if you change the model so that it doesn't fit. So we have sent in our comments and will certainly participate in that process. But we don't see any conflict, and I think all the cities and counties that have supported us feel let's start this process. This makes a lot of sense for New Mexico. We have a state with a small population, having multiple risk pools, and continually to invest public dollars in a private insurance system that's failing simply doesn't make sense.

In fact I just spoke to Alex Valdez who's telling me for the first time in terms of sole community provider monies, he has to ask the state legislature for the money because the County is tapped out of resources. That's a serious, serious problem around the state.

COMMISSIONER CAMPOS: Let me ask you a question. What's the likelihood that this bill will actually come to a vote?

MS. FELDBLUM: On the floor?

COMMISSIONER CAMPOS: On the floor.

MS. FELDBLUM: Oh, I wish I could predict. It's hard to judge. There is a lot - the insurance industry is very powerful and it's been in opposition. I must say that having had so many counties and cities onboard has really added to our credibility enormously. One of our experts is a county commissioner from Cibola County who also is a physician, a private physician, and she just feels that this is really important to support this. So she comes out of her busy schedule to be there. She'll be there tomorrow when it goes before Senate Finance. The other county commissioner is Donny Leonard who owns two businesses in Albuquerque and he's from Sandoval County, and he has been very consistent at being an expert as well.

So I just think all of us are just trying to push as hard as we can to see if we can get this through, but I can't predict what will happen. It's a tough, tough battle.

COMMISSIONER CAMPOS: Do you have a packet of information that explains your proposed legislation?

MS. FELDBLUM: Yes. I have a nice summary, plus a table of contents.

COMMISSIONER CAMPOS: Can you leave that with the County Manager's office?

MS. FELDBLUM: Absolutely.

COMMISSIONER CAMPOS: I'd like to look at it.

MS. FELDBLUM: Absolutely.

COMMISSIONER CAMPOS: I just need to know more.

MS. FELDBLUM: Yes. And we've always been open to changes, which is why this legislation has changed dramatically over the years. To you a sample, in the last year alone – there's three of us part time plus volunteers, we held over 250 meetings, presentations and workshops, getting feedback. So there's a list of some key changes to the 2005 version based on that. So we have been asking all the cities and towns and counties to give us feedback as well as community groups. The newest organization to join our campaign is actually the Southwestern Builders Association. And then the GI Forum has come onboard. So we're really reflecting a broad spectrum of New Mexicans who are saying, Let's do this. Let's not fool around anymore. And your support would be so wonderful.

CHAIR VIGIL: Any further questions? Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I wouldn't mind seeing this on the agenda, a resolution.

CHAIR VIGIL: Any other questions?

COMMISSIONER MONTOYA: Madam Chair.

CHAIR VIGIL: Commissioner Montoya.

COMMISSIONER MONTOYA: Just a comment. And I did ask you kind of a similar question that Commissioner Campos asked Mary regarding the likelihood of this legislation going anywhere. What I've been told is that the Governor doesn't want to see or won't entertain anything this session until his task force comes up with some sort of recommendation.

MS. FELDBLUM: Well, the Governor himself has come out numerous times, in Nevada and prior to that in the *New Mexico Business Weekly*, stating that he prefers the Massachusetts model. And that is spurning his own task force.

COMMISSIONER MONTOYA: Is that consistent with this?

MS. FELDBLUM: No. Not at all. What Massachusetts is doing, and they are in deep trouble right now with that model, is requiring that everybody purchase health insurance the way you purchase auto insurance, and the state of Massachusetts is going to subsidize people up to 300 percent of poverty. The problem is that they're using the private insurance market and basing subsidies on a private insurance premium, which is quite costly as we all know, assuming a good package. Well, the *Wall Street Journal* and the different Massachusetts newspapers have been saying that they are going nuts right now because it's far more costly than they ever dreamed.

So now they're talking about ratcheting down the benefits. They don't know what they're doing. People are very upset. The coalition that put it together is very concerned as to

what's happening. Governor Schwarzenegger has announced recently that he likes - his proposal is like the Massachusetts model, again requiring everybody in California to purchase insurance if they don't already have it, but he wants to tax doctors and hospitals to boot in order to pay the higher rates for Medicaid and that is very controversial. Now, that hasn't been passed. That's going to be introduced along with the traditional single-payer model in California which did pass the legislature last year but Schwarzenegger vetoed it.

The options for states, essentially, are to continue to figure out a model that essentially uses taxpayer dollars to subsidize the private insurance system, because it's really failing. And that's what Massachusetts, Vermont and Maine have done, and California, what Schwarzenegger wants to do. The other options are to shift the role of the insurance industry the way Medicare did, so that it becomes a supplemental. And that's what that California single-payer bill did, but it was a more government run tax base system with looking at a Workers' Comp, 24-hour Workers' Comp model that would self-insure and allow people who aren't covered by Workers' Comp to buy in, and that's a different model. And then ours is a cooperative model, which is very different.

So there are a variety of solutions on the other side.

COMMISSIONER MONTOYA: Madam Chair, are you on that task force? On the governor's -

MS. FELDBLUM: No, no. I wasn't appointed to that task force. That task force has been working hard, but unfortunately, a week ago Friday I received what's called the specifications to the think tank Mathematica on the Health Security Act and I was told in the e-mail that the act has been changed and that the social scientists - I get very concerned when somebody tells me apples and apples, because this is really -

CHAIR VIGIL: Can I ask you - I've got to move this meeting along. Are there any other questions from the Commissioners?

COMMISSIONER CAMPOS: I would like more information. I'd like to be able to contact you, and I want to thank you for your correct pronunciation of words in Spanish.

MS. FELDBLUM: Oh, yo hablo español. Por eso. I could give you the presentation in español the next time. I'd love to.

COMMISSIONER CAMPOS: I appreciate it.

CHAIR VIGIL: Ms. Feldblum, have you gone before our Health Policy and Planning Commission?

MS. FELDBLUM: I have.

CHAIR VIGIL: What's their recommendation?

MS. FELDBLUM: Their recommendation to you was to wait for the results of the study.

CHAIR VIGIL: And I do recall, because there are other initiatives that have gone before the Health Policy and Planning Commission and actually approached the Board of County Commissioners, the most recent information that we have from our advisory board is as you stated, to hold off on recommendations until the task force has made particular

recommendations. I think based on that, at least from my perspective I haven't supported anything until that task force has its findings.

COMMISSIONER CAMPOS: I would like to move forward with at least consideration because I really don't like the Massachusetts plan. I think it is a flawed plan and I think we need to look at something different. I think this is something different. I'm willing to look at it.

MS. FELDBLUM: Thank you. And I will leave some information, plus my card, Commissioners, so that you can contact me.

CHAIR VIGIL: Thank you very much. Are there any other members of the community who would like to address the Board of County Commission?

IX. Matters from the Commission

A. Consideration and Possible Approval of a Joint Powers Agreement Between the Board of County Commissioners of Santa Fe County, New Mexico and the Greater Chimayo Mutual Domestic Water Consumers Association Concerning Joint Efforts to Construct and Replace a Portion of its Water Delivery System Serving the Historic "Plaza del Cerro" and Adjacent Neighborhoods of the Greater Chimayo Mutual Domestic Water Consumers Association (Commissioner Montoya)

COMMISSIONER MONTOYA: Thank you, Madam Chair. In your packet is the information of what is being requested in terms of funding for this particular project. I've been involved in working with the two groups, the Greater Chimayo Mutual Domestic and the Chimayo Mutual Domestic and at this point in time they have merged and are now just the Greater Chimayo Mutual Domestic. This is, in my opinion, been a huge milestone in terms of the merging of these two groups, so that I'm better able to respond to the request that they have and what I believe Santa Fe County needs to participate in and that's the partnership and the collaboration of the constructing of this water system.

As many of you know, the situation in Chimayo regarding the water and the water quality has been horrific to say the least in terms of the situation there for many of the residents and many of the residents of the Santa Fe County portion of the greater mutual domestic water association. What we discussed, probably about a month and a half, almost two months ago with a lot of the members that are here, present this morning and I would like to ask for a spokesperson to come up here in a bit, was the participation of Santa Fe County.

We're looking at a build-out of approximately 100 to 250 residences that would be served in this particular area. The other thing that we're looking at is the fire protection that will also be provided, which I think is critical. This would be the first time in the history of Chimayo that this has ever been provided for this area. As many of you are aware, we have a lot of historical sites in Chimayo, including the Santuario, Rancho de Chimayo, the Plaza del Cerro, so this would certainly be something that will help these residents obtain drinking quality

water.

The outline has been provided there for you. One of the things that we've included on there is a 100,000-gallon water tank, which would be used for again, providing water in that whole area. I believe that it would have gravity flow, would replace an existing tank from the old water association, and the total request that we're bringing forward, and again, I'm going to just mention that this has been an ongoing work in progress. I've been involved with it since I've been on the Commission for four years. The timing, as we see on the agenda may not be the best because we've decided now to finally prioritize our projects within this county and I would hate to see at the expense of this project that we not move forward with this, based on what may be a discussion that we're going to have later on because this, again, has been something that we have been working on and working toward and the total request that is being made by the association is \$1.4 million for this particular project, which would link the majority of the Santa Fe County portion in Chimayo.

I'd like to ask, who's going to be the speaker? Phil.

CHAIR VIGIL: Is there anyone else that wants to address the Commission on this subject or are you the spokesperson?

PHILLIP KILLGORE: I will be speaking, and then I will ask other members in my group here to also give the little details. I will introduce them also.

CHAIR VIGIL: Okay, can you let me know how much time your presentation will be? I'm trying to manage our time here today.

MR. KILLGORE: I'm thinking we'll be ten, fifteen minutes at the most.

CHAIR VIGIL: That would be great.

MR. KILLGORE: Madam Chair, members of the Commission, I am Phillip Killgore. My home address is P.O. Box 1046 in Chimayo. I am vice president of the Greater Chimayo Mutual Domestic Water Consumers Association. We began our water association approximately six years ago. We hired Molzen and Corbin as our engineering firm to prepare a master plan or a PER for the entire community. We knew at that time that the important issues were to get water to some specific areas that had emergency needs in both Rio Arriba and Santa Fe County. But in order to do that we had to look at the big picture and get the entire community.

Now, we have before us a situation where we've merged with the Chimayo Mutual Domestic Water Consumers Association, which is about 50 years old and that situation has deteriorated over the last number of years and we will have someone speaking on that detail later. But now we have this chance to merge and also implement part of our master plan. So we have from the beginning been looking at the regional aspects of bringing water to the entire community. We will have, on the issues of design, Doug Albin from Molzen and Corbin Associates. He will talk on that. Barbara Deaux, who is from the North Central Economic District, she will talk on regional issues. Ted Trujillo, our attorney for the water association, he will talk about the joint powers agreement. And on conditions of the place, Sydney Cooper, who lives in the plaza, has also served on the other water association, the plaza association, she's now our secretary for the greater Chimayo association. Then if you have questions of how

the state is considered, quality of water issues, Ron Romero is here from the State. Then I will have some closing statements. So Doug, would you please continue.

CHAIR VIGIL: Thank you, Phil. Doug, please come forward.

DOUG ALBIN: My name is Doug Albin and I work with Molzen Corbin and Associates. P.O. Box 173, La Jara, New Mexico. As Commissioner Montoya mentioned, the request is for about \$1.4 million, and what that request entails is we're looking at two separate projects. We're looking at first replacing the lines, the existing lines that are there, and reconnecting the residents to the new system. Once all of that's done, then the next part would be to replace the water tank. There's three water tanks there now and the idea is to take all three of those out and put a new one.

What the water line project entails is about 8,000 feet of water line. We're looking at 100 - currently, there's 48 people for connections on the old system. What we're thinking is that when this new system goes in, we're going to reconnect those existing 48 and we'll probably hook up another 50 in that neighborhood that aren't able to hook up right now. We have 20 fire hydrants. They're spaced at 500 feet apart and we're going to replace the asphalt. So the water line project is about \$950,000 of the \$1.4 million.

Now, one thing we need to keep in mind when we're going through here, we have an allowance in there is as the contractor is installing the new line, the existing system, which Sydney is going to speak of in a little while is in really poor condition, so we have an allowance in there for the contractor to keep that other system working, because he's going to break the line. He broke it twice, the contractor that's onboard now hit that water line already twice and we're keeping it band-aided to keep the water going but once we get into that plaza area it's going to be worse.

Then the second phase is the water tank and right now we have an allowance in there of about \$450,000, but that number could fluctuate. We have one site selected and it's just east of the Bennie Chavez Community Center and just south of the cell phone tower. So if that site holds up I think we have enough money in there of \$450,000 to build the road and all of that, but if the site changes for whatever reason - land or - that number could change, but I think we have enough money in there to build a tank. If there's any questions I'll stand for questions.

CHAIR VIGIL: Thank you, Mr. Albin. Barbara Deaux.

BARBARA DEAUX: Madam Chair, members of the Commission, my name is Barbara Deaux. I'm the executive director of the North Central New Mexico Economic Development District, the Regional Council of Governments who serve the seven counties in north central New Mexico. My address is 70 Arbol Grande, Santa Fe.

I started working with this organization probably three or four years ago and the aspect they'd like me to speak about and I will try to be brief, is that this is the idea that this is the beginning of a regional system and the ways in which that regional system was started and the ways in which anticipate the continuation of its funding.

As may have been mentioned, the first emergency in 2000, and I say first emergency because they haven't been addressed yet fully, was the failure of water in the Rio Arriba side in the El Rincon area. And that prompted then Governor Johnson to put in the water buffaloes.

We are still working to remediate that. At that time the organizations began, as Phil said, to reach out to members of the community, but the other Chimayo organization was at that point we felt they were adequately served.

When we approached Santa Fe County for additional use of the facility at the fire station for fill stations and water tanks, we were advised that the best way to get the County to participate was to have both organizations merge. At the same time there's a federal law that our congressional delegation had enacted, Public Law 108354 which provides authorization for funding both for the City of Española water filtration plant, and for the water system for what's called in the act, the Town of Chimayo. This organization has worked with my organization and others in the area to begin meeting regionally with the smaller water systems, with Santa Fe County, with Rio Arriba County and the City of Española to create planning for and potential for a transmission line that would make many of the systems in that area so that we don't have the fragmentation of water systems, and so that we do have a redundant system that will supply reliable, safe water to a larger area.

Any questions that you may have I'd be delighted to answer. There have been funds provided by the federal government so far in about \$1 million, funds provided by the state of New Mexico, and there are current requests with the New Mexico legislature and also again from continued funding under Public Law 108.

CHAIR VIGIL: Question, Commissioner Campos.

COMMISSIONER CAMPOS: Ms. Deaux, you say that there are current requests for funding? What are they?

MS. DEAUX: At the New Mexico legislature in capital outlay.

COMMISSIONER CAMPOS: What are they? What amounts?

MS. DEAUX: Those are - there are requests for this project that is being requested of you.

COMMISSIONER CAMPOS: In what sum?

MS. DEAUX: Total, \$6.3 million. Now, we don't anticipate receiving \$6.3 million. It is phased in the different projects of which this is one.

COMMISSIONER CAMPOS: But if you do get the \$6.3 million, do you need the County money?

MS. DEAUX: Madam Chair, Commissioner Campos, if I thought we were going to get \$6.3 million, I'd be very, very pleased, but I don't expect that we will.

COMMISSIONER CAMPOS: If you did get it -

MS. DEAUX: If we did get \$6.3 million, it would not be my call as to whether the board would request any further funds from you.

COMMISSIONER CAMPOS: Okay. Thank you, Madam Chair.

CHAIR VIGIL: Thank you, Barbara. Next is Ted Trujillo. And Ted, we're pretty well versed with joint powers agreements. Did you just want to highlight what your joint powers agreement is about?

TED TRUJILLO: Ted Trujillo. I'm a Chimayo resident. My address is P.O. Box 2185, Española. Just briefly to highlight the joint powers agreement, this is actually the

format that was provided by your County Attorney that I think had previously been employed with the La Cienega system. So what we've done is followed as closely as we could the outline that you had here. I think one of the issues that probably is a requirement of any funding from the County of Santa Fe is that there would be joint ownership of the system. You'll see that that issue has been addressed in the ownership and improvements. As I understand it it would basically be taking whatever amounts the County of Santa Fe would contribute towards this project and comparing it against the \$2 million that is already in the ground on the Santa Fe County side.

The only other point I'd like to bring to the attention of this Commission is that there is also a former resolution on the part of this Commission declaring an emergency status on the Santa Fe County side as well as the Rio Arriba County side. The Rio Arriba County side was El Rincon. The Santa Fe County side was a neighborhood called La Otra Banda, which is primarily part of Santa Fe County Road 94, Camino de los Vigiles. We have people there who go to the river periodically to pump water out of the river, the Santa Cruz River - I see it daily because I live in that area and they use that to run their domestic supplies except for drinking water.

And in the Rincon area you have people who are still pulling water out of the acequia that are basically running their indoor plumbing except for drinking. The water buffalo supplies the drinking water. I just wanted to point that out so that you had some history of the participation of the County of Santa Fe.

CHAIR VIGIL: Thank you. Any questions of Mr. Trujillo? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Trujillo, just a quick question. In the joint powers agreement the association bears the cost of day-to-day operation of the system but goes on to say that the parties shall jointly bear the expense of routine maintenance of the improvements described herein. What does that mean?

MR. TRUJILLO: As I understand it that's the proposed language that was already in the joint powers agreement that was being contemplated with the La Cienega system. In effect, I would interpret that to mean that if the County chose to participate in making future repairs to the part of the system that they would actually fund that they would be able to do that. Now, that's certainly something that this Commission could decide as a matter of policy whether or not they would want to go in that direction. I think the essential part of the joint powers agreement would be that there would be a contribution from the County of Santa Fe to fund construction in the County of Santa Fe side of the system.

The association is prepared to of course operate the system and to maintain it as it is doing now on the other side. So I think that's a detail that could certainly be looked at by this Commission.

COMMISSIONER CAMPOS: I didn't catch you question, the question you asked Mr. Trujillo.

COMMISSIONER SULLIVAN: My question, Commissioner Campos, was what does it mean in paragraph 11.2 where it says the parties shall jointly bear the cost of day-

to-day operation of the system, but that both parties shall jointly bear the expense of routine maintenance. I think it's 11.2, page 8.

COMMISSIONER CAMPOS: I had a similar question.

COMMISSIONER SULLIVAN: And the improvements described herein are an entire water system, as I read the proposal, not just the part that the County's funding so my question would be what amount of money is that annually that would be anticipated that the County would have to put forward for operation and maintenance because that's typically something that we don't get involved in, budget-wise. We have libraries that are screaming for operation and maintenance funds. We have senior centers that are screaming for operation and maintenance funds and those things don't have income the way water systems do. Water systems have income and can be self-sustaining if they charge enough money in their water rates schedules.

So I'm looking for a little more clarity on that.

MR. TRUJILLO: If I could, Commissioner Sullivan, I think that if there were a contribution from the County of Santa Fe toward the maintenance and repairs that it would be prorated on the basis of the percentage of ownership I believe that the parties would agree is involved, if in fact we reach that point. As indicated it is a draft so we fully understand there may be other terms to be considered or eliminated. We're not requiring contributions. This is the proposal before the Commission. We expect the system to be fully self-sustainable once it builds out to the first phase which we expect to be about 250 residences. So this proposal, if it's not the policy direction that this Commission would choose to go to we don't believe it would be something that would stop any collaboration between the system and the County.

COMMISSIONER SULLIVAN: I don't want to be - as you say, it's a draft, but it seems that the decision as to whether to do that is based on a decision of a technical committee, which is talked about on page 7, which consists of four persons and each of us appoints two people to this technical committee. The technical committee then has to recommend an expenditure. So if they recommend it it appears that the County is in fact making a commitment to do it. There's no "mays" in there; it says "shall". So we certainly want to look at what the fiscal impact of that is.

MR. TRUJILLO: I understand that.

COMMISSIONER CAMPOS: Commissioner Sullivan, could I add a comment to that?

COMMISSIONER SULLIVAN: I'm through, Madam Chair.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: Also, it seems to me that a mutual domestic should be financially independent, one, and two it should generate revenues to pay for maintenance and not ask for a subsidy from a third party. I'm concerned about that. It's undefined - we're talking about part-ownership. I don't buy that. I think it's basically a grant disguised as part ownership. That's how I see this proposal. If you're a mutual domestic you should be independent and you should pay for your own maintenance and operations and expansions and you shouldn't expect an annual subsidy from a county or anybody. Thank you.

MR. TRUJILLO: Commissioner Campos, if I may respond briefly. That is fully the purpose of the MWCA. We will be self-sufficient. I understand that you might see this as a Trojan horse but I might say that the Trojan horse is a design that this Commission has already used or this County has already used with other systems. We're taking a format that was provided by the County of Santa Fe and doing what we could with this format to advance a funding request. If the Commission wants to go in another direction then certainly that's the call of the Commission. We're seeking here funding for basically what we have as an emergency system.

COMMISSIONER CAMPOS: Mr. Trujillo, I've been an advocate with Commissioner Montoya for years about addressing the Chimayo issue. I'm just not sure this is the right way. Philosophically I do have a difference. I think this results in fragmentation of our water systems, and I think the mutual domestic system model is outdated. I think it's outdated and we see that in the failure of many mutual domestics that can't operate. They don't have the expertise. They don't have the resources. They can't bill their people that don't pay. If this is the situation up there I think maybe a joint powers agreement between the County of Santa Fe and Rio Arriba would be the better way.

I really think mutual domestics are on the way out. They're just not solving our problems. They're just getting us into deeper problems. That's my philosophical concern. And I don't want to subsidize and I think this is a grant in guise of an ownership agreement.

MR. TRUJILLO: I can appreciate your comments, Commissioner.

CHAIR VIGIL: Thank you, Mr. Trujillo. Did Sydney Cooper and Ron Romero need to address the Commission? Sydney, could you keep it limited, please?

SYDNEY COOPER: Yes, brief. Hi. I'm Sydney Cooper. HC-64, Box 24-A, Chimayo, New Mexico. I am just here to speak about living - I live on the Plaza del Cerro and I'm secretary of the Chimayo Mutual Domestic Water Association and now the secretary of the Greater Chimayo Mutual Domestic Water system since we've merged, which is a fantastic achievement in this valley, I can tell you. It took me seven years on this board to patiently coax people into realizing this was the best thing for all of us.

I can show you - this is what our pipes look like. This one broke on the day we voted to merge. This month we've had six breaks in our system. We have super low producing wells. The high producing well is carbonated water, so literally we're brushing our teeth and showering in carbonated water. None of us drink our water.

Also we've had - and Ron Romero can speak - he just did a sanitary survey and he can speak to the condition more directly, but I can say we've had six breaks in the past month. So that's all we're doing as a volunteer organization is patching our system together, calling people saying we're sorry. We are sometimes without water for up to 24 hours. There are 45 families on this association. Another tragedy is in the past three months we've had three fires where buildings have burned to the ground. I had my children standing outside watching a building on the Plaza del Cerro burn to the ground, asking me, Mom, aren't you on the water association? Where's the water?

Trucks come in from Pojoaque and Española with the water they can carry but there

was nowhere to fill and people were standing outside watching their house. This is three families in Chimayo in the past three months who've watched their houses burn down. So I'm doing the best I can. We've done what we can by merging. I understand what you were saying, Commissioner Campos, about your feelings about mutual domestics. It may not be the most efficient means necessarily, but I can tell you at least within our valley, in order to get something moving ahead it's really important to have the personal connection that we have to each other in our neighborhood and I can tell you that again, I live in this neighborhood. I know a lot of people. I am friendly with them and it's taken me seven years to convince people. Listen, we need to join forces here and be a community and work for the same goals. So where maybe specifically this might not be the perfect model for 20 years in the future, I think you can't underestimate the importance of person-to-person, community effort. And maybe we do this in partnership with government, with government assistance or leadership, but I can't emphasize how strongly I feel that that's a very important feature. And I really, really appreciate your attention to this matter.

CHAIR VIGIL: Thank you, Ms. Cooper.

COMMISSIONER CAMPOS: May I just say a couple of things. I agree. You have an emergency situation and you do because the mutual domestic systems have failed. And they're failing now. Not in 20 years, they're failing today. They're not working today. And I've always thought that the County is a better vehicle. And I understand that the County really has never proposed to run your system. I don't know if the folks in your area would be interested in that. You need a bigger institution with more expertise and more financial resources to make this effective. I don't know if you want to engage in that dialogue. I don't even know if we do. We have a shortage of money too, just like you. We're going to have a meeting today if you want to sit and look at all the dollars that people are asking for. It's pretty scary. We're looking at trimming projects and not doing certain things and we're in a tight bind.

I'd love to work with you. I think you have a crisis and like I said, Commissioner Montoya and I have been big advocates of the Chimayo solution for years and I think we're maybe we're at the time to really have a discussion about a fundamental way to do it in the short term. But I think your asking the state legislature is the right place. They have more money. They have more money than they've had in 20 or 30 years or 50 years. We're not in the same position and I think the County has to share the responsibility in a big way but I'm not sure this is the right proposal. That's all I'm saying.

MS. COOPER: Okay, well, I'd love to hear what you think.

COMMISSIONER CAMPOS: We need to talk.

CHAIR VIGIL: Mr. Romero.

RON ROMERO: My name is Ron Romero. I work with the New Mexico Environment Department with the Drinking Water Bureau. Business address is 525 Camino do los Marques. Just briefly, Commissioner Campos, Madam Chair, there's approximately 200 mutual domestics here in New Mexico and the ones that don't function well are the ones that stand out and really show the problematic structure of the mutual domestic. The Chimayo area

is certainly part of that group. Anyway, I've been in this capacity of an oversight person, overseeing public water supplies for their sanitary delivery of water. Approximately four months, I went out and did a sanitary survey at the Chimayo Mutual Domestic Water system on November 15th. Issued a sanitary survey January 17th. The board has received the survey. They still have time to respond.

That survey is reviewing their water sources, the distribution, the storage tank and the deliverability of clean, safe water to their members. The sanitary survey did identify both regulatory and sanitary deficiencies in the system. They've been laid out and the state is asking for the community to respond. With the merger of the two systems it looks like the Greater Chimayo is taking on the responsibility of having to address these issues and come up with a plan to correct them.

The system I have serving approximately 48 active members, another 10 inactive members and they struggle day-to-day to keep water flowing in their pipes and the quality of the water is always compromised due to breaks and the general source availability.

CHAIR VIGIL: Thank you. Are there any questions for Mr. Romero? Mr. Romero, I have a question. As a state representative, I know the County – and this is what we're struggling with – I would position it in a different way, but we have other communities in Santa Fe County that really are at different places in what their needs are. For example, Cerrillos and Madrid need buffalo tanks out there. That was an emergency situation. The County responded to that and we're the ones that made that water available. Does the state – how do we coordinate with the state to help these communities, I guess is the bottom question, because many of these residents turn to us as their representatives when the needs are emergent. I know that you were able to help Chimayo but we get requests – Cañoncito is a community that's got dire needs. You overseeing all of these areas, how do you work with local government on these to sort of team our resources up to assist these communities.

MR. ROMERO: Our responsibility is to identify the proper operation of the water systems and identify deficiencies. We support all water systems seeking funds for water system improvement, maintenance, repair – everything that's needed to continue to deliver clean water today and into the future. There's different funding sources. There's the Rural Infrastructure Act, loan program through the Environment Department. We have the New Mexico Finance Authority that does provide loan, possibly grant funding. There's the Water Trust Board. You have legislative appropriations and also you have the private funders out there.

CHAIR VIGIL: I think I'm familiar with all of those and most of us probably are because we've all gone to seek them. When there's an emergency situation and they contact us, we feel responsible to respond. How do we link up to your services?

MR. ROMERO: We're always there. It may not be at the forefront but we've always been there overseeing the water systems. We monitor their water quality sampling. We do extensive Safe Drinking Water Act sampling. We may not hear about the problem right away but we're always open to receive calls, inquiries and request for support for water system improvement.

CHAIR VIGIL: Then let me ask you this: How is it that you oversaw the delivery of water buffaloes to Chimayo?

MR. ROMERO: The Greater Chimayo is actually not a public water supply system. They are a mutual domestic. They're a water system on paper. They don't meet the definition of a public water supply by supplying wet water to 25 or more individuals. So the water buffalo situation, it was recognized that people were obtaining water from unsanitary sources and supported the National Guard water buffaloes and also emergency funding to correct the unsanitary condition.

CHAIR VIGIL: Okay. Thank you very much. I don't think there are any further questions.

COMMISSIONER MONTOYA: Commissioner Montoya, I'd like to just ask Stan a little bit in terms of fire protection, what this will do for this area.

STAN HOLDEN (Fire Chief): Madam Chair, members of the Commission, the Fire Department has been anxiously awaiting the improvements in the Chimayo water system for quite some time. As you know, the Insurance Service Organization, ISO, does our classifications and ratings based on what services the Fire Departments can deliver for fire suppression in any certain area. Forty percent of that rating is based on water supply. Any improvement that we make in any water system anywhere in the county, but specifically now in Chimayo, will ultimately lead to improved fire ratings as well.

The lady spoke earlier, appropriately, to the issues that we've had in Chimayo just recently where we've had structures literally burn to the ground because we were not able to deliver enough water in a timely manner to extinguish the fire. So the Fire Department, obviously, is always in support of any improvements that we can make in any water system in the county because ultimately it leads to better fire suppression in the area as well. Thank you.

CHAIR VIGIL: Thank you. Anything further, Commissioner Montoya?
Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Madam Chair. Being a former vice president of the Galisteo Mutual Domestic Water Users Association I know exactly what you all are dealing with, trying to repair lines and wanting to improve your system. That was one of the things that we did and are still doing in the Village of Galisteo. And I'm glad to see that you're also trying to seek funding through federal and state. I think it's important. You have to go where you can to try to get the funding, or where else do you go? But like the chair mentioned earlier, we do have other communities in Santa Fe County, Chimayo, Cañoncito, Galisteo, Cerrillos, Madrid, La Cienega, who are also in the same predicament that you are in, trying to find funding to improve their mutual domestic water associations.

I know that you have those same people that go out and repair water lines time and time again. You see the same face. You have the same people that are complaining because they don't have water and they don't realize, they don't understand what you are actually trying to do there, improve and provide them with water. But yet you still have the same people complaining, time and time again, and that's in every community. So I want to commend you all on what you're trying to do here and that is improve your water system. And later today this

Commission is going to decide on whether we're going to help fund that or not. There's a priority list that we're going to go down and try to see which systems need to be improved sooner than others. But I just want to commend you for being part of your domestic water association and caring and coming forward to ask for money because if you don't then you'll never get it. So thanks again. Thanks, Madam Chair.

CHAIR VIGIL: Thank you, Commissioner. Are there any other questions, comments? It's about 15 to 12.

COMMISSIONER MONTOYA: Madam Chair.

CHAIR VIGIL: Commissioner Montoya.

COMMISSIONER MONTOYA: I just want to conclude by thanking the Greater Chimayo Mutual Domestic board members and their representatives for coming this morning and I think a couple of salient points that were made and that we need to consider when we're deliberating on this is this could be the first part of Santa Fe County's participation in a regional water system. And I emphasize that because we've already been in discussions - I've already been in discussions with the City of Española, with Cuatro Villas, and I think Ted would probably agree that this potential source for water could actually be the source for possibly even the City of Española, providing that water.

So I think the discussion has already begun in terms of the potential of this being a regional water system of which would maybe - I don't know - found some of the concerns that Commissioner Campos has regarding the ownership of this. And I think with the potential upcoming legislation, not this year but next year for these regional water authorities, that we would look at this as a first step in not saying this is the end-all/be-all, but this is a work in progress. I think the other point is that they have sought federal and state funding. They have obtained some, so now they're coming to another source, a potential source, which is Santa Fe County.

So I think, as I mentioned in my opening remarks that we need to look at how we become a player in this as well as the feds and the state and how they've contributed to this project so far. The last point that I'll make, Madam Chair, is that this is very similar to the situation in Cundiyo, where we just transferred funding from Cuatro Villas to the Cundiyo project and the fact that has already been mentioned, they're breaking pipes trying to replace or trying to put in the new system and replace the old system but breaking pipes in the process.

So dirt is moving. Pipes are being laid. Roads are being torn up as James Lujan and I can attest to with the phone calls that we get on that. So this is a project that's already moving. So I would hope that as the deliberations - and I do apologize to the members here present because I was not aware that we were going to have the work session that we're having today to discuss this. I had anticipated that we would be taking action on this as it was discussed with you all previously. So again, I mentioned the timing but unfortunately the timing has changed somewhat on this and I will do what I can. If you would this here with me I can use it for influence later this afternoon.

So thank you for being here this morning and thank you, Madam Chair.

CHAIR VIGIL: Thank you, Commissioner Montoya. And thank you so much

for coming with your presentation.

IX. B. Discussion and Possible Approval for an Expenditure of Discretionary Funds in the Amount of \$6,000 to Chimayo Valley Boys and Girls Club for the Provision of their After School Program (Commissioner Montoya)

COMMISSIONER MONTOYA: Madam Chair, I move for approval.

CHAIR VIGIL: Second. Is there any discussion?

The motion to approve the discretionary funding passed by 3-0 voice vote with Commissioner Campos abstaining and Commissioner Anaya not present.

COMMISSIONER CAMPOS: Madam Chair, in times of a tight budget we've got to look at our discretionary fund and that's a lot of money that we could use in better ways and we just saw this association with water and here we are spending \$250,000 just basically at our whim. Thank you.

IX. C. Resolution No. 2007-36. A Resolution Acknowledging and Supporting the Vista Grande Library Service Area (Commissioner Sullivan)

CHAIR VIGIL: Do we have a copy of that?

COMMISSIONER SULLIVAN: It wasn't in your packet; it's on the table. And I apologize for it not being in the packet. This came up on Friday and the president of the Vista Grande Library and I met and they are going through a process whereby the state general obligation bonds for libraries are allocated amongst all the libraries in the state. And how they do that is on population. And the concern that they were having is that the population that the state appeared to be attributing to the Vista Grande Library was just the Eldorado Subdivision and in fact they serve 33 different communities throughout the area and these communities are listed in the resolution.

So we felt we could help them and it won't cost us anything, if we could simply support the fact and acknowledge the fact that this library does serve all of these communities and that base is the appropriate base for the distribution of these bond proceeds. So I would move for approval.

CHAIR VIGIL: We don't have a quorum. Hold on.

COMMISSIONER SULLIVAN: We'll need to hang on for a second until the sergeant at arms who also himself disappeared comes back.

CHAIR VIGIL: Roman, could you have someone check so we can at least have a quorum here?

COMMISSIONER SULLIVAN: I don't bring too many resolutions to the Commission and I'm really excited at the support that this one is getting.

CHAIR VIGIL: Actually, I met, and you may recall, Commissioner Sullivan, together with you and the Eldorado people and the Vista Grande Library supporters and they actually have been working very hard to get more dollars from the state in that direction and I do recall them speaking about this initiative.

COMMISSIONER SULLIVAN: They are doing an excellent job and they're now designing the second phase of the improvements to the library, and the second phase, based on the demand that they've had on their library is essentially almost as large as the first part of the library itself. So they're a victim of their own success. But in any case, if there aren't any questions I move for approval of this Resolution 2007-36.

CHAIR VIGIL: There's a motion. Is there a second?

COMMISSIONER CAMPOS: Second.

CHAIR VIGIL: Motion and second to approve Resolution 2007-36. Is there any further discussion?

COMMISSIONER MONTOYA: Madam Chair.

CHAIR VIGIL: Commissioner Montoya. Did you get a copy of the resolution?

COMMISSIONER MONTOYA: Yes. Is there any fiscal impact on us with this?

CHAIR VIGIL: He just announced that there wasn't.

COMMISSIONER SULLIVAN: Not on Santa Fe County. This is just to enable the library association to get hopefully a more representative share of the state GO bond proceeds for library funding.

COMMISSIONER MONTOYA: Oh, okay.

CHAIR VIGIL: Motion and seconded. Any further questions?

The motion to approve Resolution 2007-36 passed by unanimous [4-0] voice vote.
[Commissioner Anaya was not present for this vote.]

IX. OTHER MATTERS FROM THE COMMISSION

COMMISSIONER MONTOYA: Thank you, Madam Chair. As is the case in our lives, people come and go. We have in the Pojoaque Valley the unfortunate loss of an institution really in the Pojoaque Valley, Lucy M. Sena, who is a lifelong resident of Pojoaque passed away on February 23rd following a short illness.

She was married to Robert Sena and until his death in 1961 the couple ran and operated the La Moderna Grocery Store at what is now the intersection of US 84/285 and New Mexico 503. Her father, Don Pablo Sena, had also been a storekeeper in Pojoaque. He was well known in the family for helping poor people who couldn't afford to buy food. In 1958 she was appointed to the New Mexico State Welfare Board by then Governor Edwin Mechem and

served for several years. In 1962 Lucy ran as a Democratic candidate for superintendent of schools in Santa Fe County. She was elected by the largest margin up to that time in the history of Santa Fe County political races.

Her first act was to declare the Pojoaque Valley schools an independent school district removing them from County political control. She also appointed the first independent school board member to serve on that board, the Native American Mr. Ramos Sanchez. She finished her career with Las Alamos Public Schools where she worked in the administrative offices until her retirement in the early 1980s.

She is survived by her son, Robert Sena who has been very active in a lot of community activities in Pojoaque, which I've been involved in as well, as well as grandchildren and great children. She was a well known and highly regarded citizen of Pojoaque, active in the Nuestra Señora de Guadalupe Catholic Church and a member of the Society of the Holy Family. She and her mother, Doña Josefa, received the visiting holy family into their home, which is a shrine that goes into different people's homes every month since 1926. As we speak, Madam Chair, she is being buried and a mass and Christian burial was held this morning at 10:30 and she leaves behind a lot of memories for a lot of people and having served on the Pojoaque Valley School Board as well, I'd like to recognize Tony Armijo who is also here who served on the Pojoaque Valley School Board. She was a living a treasure or actually a treasure who is now gone from this earth and I just ask for a moment of silence and *que Dios le bendiga* and may she rest in peace, *descanse en paz*.

CHAIR VIGIL: Thank you, Commissioner Montoya. Is this Bob Sena, the attorney's mother?

COMMISSIONER MONTOYA: Yes.

CHAIR VIGIL: Please extend our condolences on behalf of the entire Commission. Commissioner Anaya, any matters from the Commission?

COMMISSIONER ANAYA: Not today, Madam Chair.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: None.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: None.

CHAIR VIGIL: And I have none.

X. Appointments / Reappointments / Resignation

A. Resignation of Andrew Swarhout from the Road Advisory Committee (Public Works Department)

COMMISSIONER CAMPOS: Move to accept.

COMMISSIONER MONTOYA: Second.

CHAIR VIGIL: There's a motion to accept and a second. Any discussion?

The motion to accept the resignation of Andrew Swarthout from the Roads Advisory Committee passed by unanimous [5-0] voice vote.

CHAIR VIGIL: Mr. Martinez, is there anything you need to address the Commission on this particular item?

ROBERT MARTINEZ (Deputy Public Works Director): Madam Chair, Commissioners, just to point out that there was a typo on the agenda. Andrew's name is Swarthout and he did serve on the Road Advisory Committee for over 20 years.

CHAIR VIGIL: Please tell him thank you very, very much and I'd actually like a letter to be drafted on behalf of this Commission to extend our gratitude to him for each one of our citizens. Thank you,

MR. MARTINEZ: We'll do that.

X. B. Removal of Jim Lightner from the Road Advisory Committee (Public Works Department)

COMMISSIONER CAMPOS: Move to remove.

COMMISSIONER MONTOYA: Second.

CHAIR VIGIL: Motion and second. Is there any correction on this, Mr. Martinez?

MR. MARTINEZ: No.

CHAIR VIGIL: Okay, there's a motion and second for the removal of Jim Lightner.

The motion to remove Jim Lightner from the Road Advisory Committee passed by unanimous [5-0] voice vote.

X. C. Appointments of Manny Chavez, Richard Wienberg, Frank Schober and Henry Claycamp to the Road Advisory Committee (Public Works Department)

MR. MARTINEZ: Madam Chair, Commissioners, the Public Works Department is recommending the appointments of these four individuals to the Road Advisory Committee in their respective areas.

COMMISSIONER MONTOYA: Move for approval.

COMMISSIONER CAMPOS: Second.

CHAIR VIGIL: Motion and second. Any discussion?

COMMISSIONER SULLIVAN: Madam Chair.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I just wanted to say that I certainly appreciate

everyone's service on this Road Advisory Committee, particularly during the storms and I'm sure during the wet spring that we're going to have, we'll also be called on for more service. I was certainly impressed by Mr. Claycamp's background dealing with roads and trying to provide road service to rural subdivisions and also Mr. Shober's background is extensive in the military. I've dealt with him in the Eldorado community improvement association in their traffic committee and he's certainly a dedicated, hard-charging type of individual. I don't know the other two individuals but particularly with respect to those two, I want to thank them for their coming forward to serve on that committee.

CHAIR VIGIL: Thank you. Any further discussion? Seeing, hearing none, there's a motion to approve item C.

The motion to appoint Manny Chavez, Richard Wienberg, Frank Schober and Henry Claycamp to the Road Advisory Committee passed by unanimous [5-0] voice vote.

XI. Consent Calendar

A. Budget Adjustments

1. **Resolution No. 2007-__ . A Resolution Requesting an Increase to the Lodger's Tax Advertising Fund (215) / Finance Department to Budget Additional Funds Awarded Through a Cooperative Marketing Grant Agreement with the New Mexico Department of Tourism to Provide Advertising and Promotional Services Within the State of New Mexico for Expenditure in Fiscal Year 2007 / \$9,000. (Finance Department) ISOLATED FOR DISCUSSION**
2. **Resolution No. 2007-37. A Resolution Requesting an Increase to the Road Maintenance Fund (204) to Budget Proceeds From the Sale of Fixed Assets for Expenditure in Fiscal Year 2007. (Public Works Department)**
3. **Resolution No. 2007__ . A Resolution Requesting an Increase to the Community Development Block Grants Fund (250) / Marcos P. Trujillo Teen Center to Budget Prior Fiscal Year 2006 Grant Balance for Expenditure in Fiscal Year 2007 / \$50,000 (Projects & Facility Management Department) ISOLATED FOR DISCUSSION**
4. **Resolution No. 2007-__ . A Resolution Requesting a Decrease to the General Fund (101) to Reduce the Budget for the Hazmat Grant that was not Awarded / -\$12,500 (Fire Department) WITHDRAWN**
5. **Resolution No. 2007-38. A Resolution Requesting an Increase to the Fire Protection Fund (209) / Various Fire Districts to Budget**

- Movie Production Revenue Received for Personnel, Equipment and Supplies Reimbursement for 3:10 to Yuma Movie Production / \$17,992.50 (Fire Department)**
6. **Resolution No. 2007-__ . A Resolution Requesting a Budget Decrease to the General Fund (101) / Region III Grant Program for the Unspent 2005 Agent Amount Reverted Back to the Justice Assistance Grant Program / -\$6,072.50 (County Sheriffs Department) ISOLATED FOR DISCUSSION**
 7. **Resolution No. 2007-39. A Resolution Requesting an Increase to the Jail Operations Fund (518) / Youth Development Program to Budget Prior Fiscal Year 2006 Cash Balance for Expenditure in Fiscal Year 2007 / \$18,600 (Corrections Department)**
- B. Professional Service Agreements**
1. **Request Approval to Enter into Agreement # 27-1802-CORR/MS With Temps, Inc. for Temporary Nursing Staff to Assist With the Nursing Staff Shortage at the Adult Detention Facility. This Agreement Will be for One (1) Year with an Option to Renew for Three (3) Additional Years in One (1) Year Increments \$200,000 (Corrections Department) ISOLATED FOR DISCUSSION**
- C. Miscellaneous**
1. **Approval of Underground Waterline Easement Agreement Between Santa Fe County and Aldea de Santa Fe Homeowners Association (Water Resources Department)**
 2. **Resolution No. 2007-40. A Resolution Amending the Santa Fe County Road Map and Certifying a Report of the Public Roads in Santa Fe County (Public Works Department)**

CHAIR VIGIL: We can now approve the Consent Calendar save for items XI.
A. 1, 3, 4, and 6 and B. 1.

COMMISSIONER CAMPOS: So moved.

CHAIR VIGIL: There's a motion. Is there a second?

COMMISSIONER ANAYA: Second.

CHAIR VIGIL: There's a second.

The motion to approve the Consent Calendar with the exception of item XI. A. 4 (withdrawn) and XI. A. 1, 3 and 6, and B. 1 (isolated for further discussion) passed by unanimous [5-0] voice vote.

CHAIR VIGIL: Gentlemen, it is now 12:00 and we have two options. I could actually leave and we could come back at 1:30.

COMMISSIONER SULLIVAN: Didn't you want to go to 12:30?

CHAIR VIGIL: I had originally discussed going till 12:30 but if any of you would like to go at 12:00 I have made arrangements to get to my doctor's appointment earlier.

COMMISSIONER MONTOYA: Madam Chair, I don't know about Commissioner Sullivan but mine are just pretty simple.

CHAIR VIGIL: Okay. Why don't we get started then, since yours are at the beginning.

A. Budget Adjustments

- 1. Resolution No. 2007-41. A Resolution Requesting an Increase to the Lodger's Tax Advertising Fund (215) / Finance Department to Budget Additional Funds Awarded Through a Cooperative Marketing Grant Agreement with the New Mexico Department of Tourism to Provide Advertising and Promotional Services Within the State of New Mexico for Expenditure in Fiscal Year 2007 / \$9,000. (Finance Department)**

COMMISSIONER MONTOYA: Madam Chair, the only question I have on this is relating to funding for this Lodgers' tax. Is any of it going to – because I know we've been asked in the past by the Santa Fe Fiesta.

TERESA MARTINEZ (Finance Director): Madam Chair, Commissioner Montoya, yes. They've approached us the last two years and they've actually received funding. This particular funding would not go towards that. This is from the Department of Tourism Cooperative Agreement and they specifically have to be towards advertising efforts.

COMMISSIONER MONTOYA: Okay. Move for approval. Thank you, Teresa.

COMMISSIONER ANAYA: Second.

CHAIR VIGIL: Motion, second. Any further discussion? I have a question, Teresa. Has the Fiesta Council requested funding for this year?

MS. MARTINEZ: As of yet, no.

CHAIR VIGIL: And have we allocated funding, should they? Or where are we?

MS. MARTINEZ: Madam Chair, we have a set aside of budget for funding requests.

COMMISSIONER MONTOYA: Madam Chair.

CHAIR VIGIL: Commissioner Montoya.

COMMISSIONER MONTOYA: And what about the Cuartocentenario? Have they come to us yet?

MS. MARTINEZ: No my knowledge, no.

COMMISSIONER MONTOYA: No. Because there's also that coming up, Madam Chair. That was the other thing that I wanted to ask about. Okay.

CHAIR VIGIL: There is a motion and a second.

The motion to approve Resolution 2007-41 passed by unanimous [5-0] voice vote.

- XI. A. 3. Resolution No. 2007-42. A Resolution Requesting an Increase to the Community Development Block Grants Fund State Legislative Grant (250) / Marcos P. Trujillo Teen Center to Budget Prior Fiscal Year 2006 Grant Balance for Expenditure in Fiscal Year 2007 / \$50,000 (Projects & Facility Management Department)**

COMMISSIONER MONTOYA: Madam Chair, I have a conflict on that and want to recuse myself from a vote.

CHAIR VIGIL: Okay. Joseph or Teresa, are you going to address that?

COMMISSIONER ANAYA: So moved.

COMMISSIONER SULLIVAN: Second.

CHAIR VIGIL: There's a motion and a second. Joseph, did you want to address it?

JOSEPH GUTIERREZ (PFMD Director): Madam Chair, I just want to make a correction on item 3. It's not a Community Development Block Grant. It's a State Legislative Grant.

CHAIR VIGIL: I wondered about that. There's a motion and a second to approve item XI. A. 3 and that's state funding from the legislature. Any further discussion?

The motion to approve Resolution 2007-42 passed by 4-0 voice vote with Commissioner Montoya having recused himself.

- XI. 6. Resolution No. 2007-___. A Resolution Requesting a Budget Decrease to the General Fund (101) / Region III Grant Program for the Unspent 2005 Agent Amount Reverted Back to the Justice Assistance Grant Program / -\$6,072.50 (County Sheriffs Department)**

COMMISSIONER SULLIVAN: Madam Chair, my question on this is we're decreasing a federal grant budget by \$6,072 for the Region III Task Force. The money was not expended during the grant period and was reverted back to the Justice Assistance Grant Program. Just particularly with regard to drug task forces I always am concerned about reverting money back that we might otherwise use and so my question was, why were we not able to use the money?

MS. MARTINEZ: Madam Chair, Commissioner Sullivan, I don't know that I could answer that. I can tell you that the total grant award was \$240,000 and of that, \$6,000 was unspent. So I'd have to come back to you and see why we couldn't spend that down.

COMMISSIONER SULLIVAN: Explain to me, what is the Justice Assistance Grant Program? It's the Region Drug Task Force operation that we approved, I believe, a director for just a couple meetings ago, that's been the director for some years. Is that person here?

MS. MARTINEZ: I don't think so.

COMMISSIONER SULLIVAN: Do you know who that is? I can't think of his name.

COMMISSIONER MONTOYA: Ron Lopez.

COMMISSIONER SULLIVAN: Ron Lopez.

MS. MARTINEZ: It's Ralph, I think, isn't it?

COMMISSIONER MONTOYA: Ralph.

MS. MARTINEZ: I'd have to get with Ralph to get those details for you. I apologize for that.

COMMISSIONER SULLIVAN: I move to table.

COMMISSIONER CAMPOS: Second. Till this afternoon?

COMMISSIONER SULLIVAN: Till we get the information.

MS. MARTINEZ: I can try to get that.

CHAIR VIGIL: Motion and second to table.

The motion to table item XI. A. 6 passed by unanimous [5-0] voice vote.

- XI. B. 1. Request Approval to Enter into Agreement # 27-1802-CORR/MS With Temps, Inc. for Temporary Nursing Staff to Assist With the Nursing Staff Shortage at the Adult Detention Facility. This Agreement Will be for One (1) Year with an Option to Renew for Three (3) Additional Years in One (1) Year Increments \$200,000 (Corrections Department)**

FRAN DUNAWAY (Corrections Department): Good afternoon, Madam Chair.

COMMISSIONER MONTOYA: Fran, Madam Chair, the question I have on this particular item is how often – are we going to use this \$200,000 up in this fiscal year?

MS. DUNAWAY: More than likely, yes.

COMMISSIONER MONTOYA: Because actually, isn't it from now until the end of the year?

MS. DUNAWAY: Now until the end of the fiscal year.

COMMISSIONER MONTOYA: So then when it begins, if we renew it again, is it on automatic renewal?

MS. DUNAWAY: Not automatic –

COMMISSIONER MONTOYA: So it will come before us.

MS. DUNAWAY: It will come before you again for the next fiscal year.

COMMISSIONER MONTOYA: For the next fiscal year?

MS. DUNAWAY: Yes.

COMMISSIONER MONTOYA: So is it going to be an increase at that time?

MS. DUNAWAY: Possibly. I'm not sure. Just depending on the usage. Right now, due to the shortness of staff we are using it a lot in the medical department.

COMMISSIONER MONTOYA: And where's that coming from? What line item within the Corrections budget is that coming from?

MS. DUNAWAY: Professional services. It's coming out of -

COMMISSIONER MONTOYA: Professional? So not personnel?

MS. DUNAWAY: No.

COMMISSIONER MONTOYA: I know that we've been having a hard time retaining nurses and I know that that's why we utilize this. And I guess I would just like to see us be a little more aggressive in terms of addressing that issue. Is it an issue of we're not paying them enough? Or what's the issue in terms of the turnover in terms of nurses?

MS. MARTINEZ: Probably on the nurses, Commissioner Montoya, Madam Chair, it's an issue of pay. And then it's an issue for everyone, the shortfall in terms of availability of nurses. The agency nurses, they're helpful. A lot of times they get into the facility and they maybe do one shift and they don't come back. The other time is scheduling it because a lot of these agency nurses already have a full-time position that they attend to. So it's a combination of things.

COMMISSIONER MONTOYA: All right. Madam Chair, move for approval and I just think we need to be aware that this may go up come July 1 for the next fiscal year.

JUSTIN CZAR (Procurement): Madam Chair, Commissioner Montoya, if I may clarify. Again, the contract will be amended for extension. I do not believe that it will come back to the Commission. However, if it is amended to include increase in compensation and the compensation would be over ten percent in accordance to the resolution, it would come back to the Commission for approval.

COMMISSIONER MONTOYA: Okay. Thank you for that clarification.

CHAIR VIGIL: I have a motion on the floor. Is there a second?

COMMISSIONER ANAYA: Second.

CHAIR VIGIL: Motion and a second. How many nurses will this be?

MR. CZAR: Madam Chair, I'm not aware of the number of nurses. This is one contractor that Corrections is currently wanting to contract with. I am unaware of the number of staff or personnel that may be provided through this contractor. Due to the issues with Corrections, there is potential that they may attempt to contract with a second firm or business that does provide nursing. This contractor was acquired through a request for proposals. I think I almost have to suggest that they will try to acquire nursing as necessary from this contractor.

CHAIR VIGIL: Thank you. Commissioner Sullivan.

COMMISSIONER SULLIVAN: As a part of our negotiations with St. Vincent Hospital the last meeting we got some commitments from them to assist with medical in some limited way, with medical services at the jail. And Alex Valdez, the CEO this morning at our

healthcare meeting mentioned that he was doing work on helping to recruit nurses who had Corrections background. Is this being coordinated with the Corrections Department or are you all aware of this?

MS. MARTINEZ: Madam Chair, Commissioner Sullivan, they're working with Annabelle Romero directly. She's the jail administrator.

COMMISSIONER SULLIVAN: And by working, what does that mean?

MS. MARTINEZ: They've had several meetings and she's the contract person for Santa Fe County to work with Alex and the doctor that they've assigned to address the director's needs, the medical director as well as the nursing shortfall. So right now it's in the planning/meeting stages. Annabelle is working directly with them for that.

COMMISSIONER SULLIVAN: What's the goal here? Is St. Vincent going to hire nurses? Or are they going to find nurses and we're going to hire them, in which case we wouldn't have to use as much of this temp agreement. What's St. Vincent's role in this nurses situation?

MS. MARTINEZ: Madam Chair, Commissioner Sullivan, I believe they're going to help us recruit and that recruitment would be for vacancies we currently have, so I believe the County would pay for that. So they're going to assist us in recruiting nurses with that particular background.

COMMISSIONER SULLIVAN: Okay. So they're not going to provide any financial assistance for the nurses. They're going to help us recruit the nurses.

MS. MARTINEZ: To my knowledge, the only financial assistance will come by the medical doctor.

COMMISSIONER SULLIVAN: The medical doctor which was something they agreed to do in response to getting the \$9.2 million approved by the County Commission.

MS. MARTINEZ: Yes.

COMMISSIONER SULLIVAN: All right. I think that answers that, Madam Chair. Thank you.

CHAIR VIGIL: I believe I have a motion on the floor that was seconded. Is there any further discussion?

The motion to approve the agreement with Temps, Inc. passed by unanimous [5-0] voice vote.

XII. Staff and Elected Officials' Items

A. Public Works Department

1. Request Authorization to Enter into a Memorandum of Agreement Between the County of Santa Fe and the City of Santa Fe for the Siler Road Extension Project, from Agua Fria to West Alameda, a Regional County Capital Outlay Gross Receipts Tax Project Approved by the Regional Planning Authority (RPA) \$875,000

MR. MARTINEZ: Madam Chair, Commissioners, the RPA adopted Resolution 2006-01, which is a resolution for the consideration and amendment of the Santa Fe City/County Regional Planning Authority five-year capital improvements plan as it relates to the County gross receipts tax capital outlay for joint regional products to provide for partial funding of the Siler Road extension project. This resolution recommended allocating \$525,000 in FY2007 for preliminary and final engineering and right-of-way acquisition and \$350,000 in FR2008 for preliminary, final, and final engineering and right-of-way acquisition and construction for the Siler extension project from Agua Fria to West Alameda. The City is the lead agency for this project.

The Public Works Department is recommending approval of this MOA with the amendment number one that's attached. The amendment was drafted after the packet material was completed so the amendment does not show in the memo. But basically, the amendment just refers to the method of funding. If you look at the amendment number one that's attached, it just inserts a couple of paragraphs into paragraph C of Article II and paragraph D of Article II. Public Works recommends the approval of this MOA. I stand for questions.

CHAIR VIGIL: Thank you, Mr. Martinez. Are there any questions?

COMMISSIONER MONTOYA: Madam Chair.

CHAIR VIGIL: Commissioner Montoya.

COMMISSIONER MONTOYA: Is this apart of the area that's being discussed as part of the annexation?

MR. MARTINEZ: Madam Chair, Commissioner Montoya, yes it is.

COMMISSIONER MONTOYA: So what happens if we say, yes, that's a good location for the City to annex. Go for it.

MR. MARTINEZ: Madam Chair, Commissioner Montoya, this is coming out of the regional portion of the GRT, not the County portion.

COMMISSIONER MONTOYA: Well, it's all County.

CHAIR VIGIL: No, there's a difference, isn't there?

MR. MARTINEZ: Madam Chair, Commissioner Montoya, there is a portion that's set aside strictly for County projects and there's a portion that's set aside for projects that are within the five-mile. So whether the City annexed this area or not it would still qualify for that regional portion.

COMMISSIONER MONTOYA: This is the gross receipts tax, right?

MR. MARTINEZ: Madam Chair, Commissioner Montoya, that is correct.

COMMISSIONER MONTOYA: So it's still coming out of the County coffers, is what I'm saying. It's not City/County funds. This is all County gross receipts tax.

MR. MARTINEZ: That is correct.

COMMISSIONER MONTOYA: So again, my question is will they assume payback or some sort of negotiation should they annex this area?

MR. MARTINEZ: Madam Chair, Commissioner Montoya, that has not been discussed.

COMMISSIONER MONTOYA: Do we need to discuss that or should we wait until annexation occurs before we move forward on this?

MR. MARTINEZ: Madam Chair, Commissioner Montoya, I think this is a time-sensitive issue for the City because they are currently, I believe it's final design and they are under the gun for the funding to move forward with this project.

COMMISSIONER MONTOYA: So they're the ones that are going to construct it?

MR. MARTINEZ: Madam Chair, Commissioner Montoya, that is correct. They are the lead agency. It's already under design. They will be handling the design and the construction of this project.

COMMISSIONER CAMPOS: This is a County project, Mr. Martinez, isn't it? It's in the County still.

MR. MARTINEZ: Madam Chair, Commissioner Campos, that is correct.

COMMISSIONER CAMPOS: So why is the City the lead agency on this project?

MR. MARTINEZ: Madam Chair, Commissioner Campos, I believe they are the ones that acquired the right-of-way. I believe originally the right-of-way was acquired for the Rufina extension, or the Richards extension.

CHAIR VIGIL: Actually, it's partial City, partial County, all the way up to I think beyond the north part of the river, maybe City, and then from the north on, part of the County. Correct?

MR. MARTINEZ: Madam Chair, the city limits ends there at the river at Siler, and the County, picks up from there and goes all the way to West Alameda. And these improvements do include a portion of West Alameda.

CHAIR VIGIL: Commissioner.

COMMISSIONER CAMPOS: I don't know. I just think it's an interesting question to discuss. The City has proposed annexing this area and they want the County tax to pay for it. I was just curious if any other Commissioners have anything to say about that.

CHAIR VIGIL: I will respond to this. I know it's a project that's been in the coffers quite a bit. In the RPA we have also discussed creating a buffer area for the Agua Fria community and so that area that was designated on the north part of Agua Fria actually is something that we have thrown out on the table for a possible no-annexation also. In the meantime, the connectors between the north and the south and river connectors are non-existent

except for those that are somewhat ad hoc and those within the city. The County has no river connectors except for Camino Carlos Rael, which we constantly get a 50-50 split on whether that should be closed or open or paved or not.

The only foreseeable relief for the north-south connectors is both Siler Road and South Meadows. And I think the RPA and the residents within that area, both Agua Fria east and west have all come to the Commission for years and years and probably you know more about this Robert that I do, but to please make that Siler Road extension. It's been problematic because it is partially County and partially City and the question has been whose responsibility is it at one point in time? Well, I think jointly, and Robert, correct me if I'm wrong, the GRT was passed for this – I think it was water, wastewater and like 25 percent of this was for – is that the GRT this came from or was there a separate GRT?

MR. MARTINEZ: Madam Chair, this is the quarter percent GRT, which a certain portion was for open space, a portion was for water and wastewater and the other portion was for roads and other.

COMMISSIONER MONTOYA: Ten percent, right?

MR. MARTINEZ: Correct. And half of that ten percent – basically five percent was for County projects and the other five percent was for regional projects.

CHAIR VIGIL: Commissioner Sullivan, then Commissioner Anaya, did you –

COMMISSIONER SULLIVAN: Robert, is part of this in the city now?

MR. MARTINEZ: Madam Chair, Commissioner Sullivan, the portion that would be within the city limits would be where the bridge starts at the Santa Fe River. That is the only portion that is in the city limits.

COMMISSIONER SULLIVAN: Okay. Maybe what we could – because it indicated in item 1.b that the County shall own, operate and maintain all facilities following construction completion of the project. And my legal question would be if it were annexed, which would control, the annexation or this agreement?

MR. MARTINEZ: Madam Chair, Commissioner Sullivan, our discussions with the City on that exact question of maintenance responsibilities would be that it would be the County's responsibility to maintain until the City annexed. If you like, you could insert that as part of the amendments.

COMMISSIONER SULLIVAN: I was just thinking, since we're doing an amendment anyway, and I'm glad to see you took out that thing about payment by 5:00 Friday paragraph which was kind of interesting. The City should do the same for our requests as well. Perhaps item 1.b could read: The County shall own, operate and maintain all facilities following construction completion of the project which are outside the city limits of Santa Fe. So if it were annexed it would be inside the city.

Now, the thing we want to be careful on that is if we want to be sure that it's written properly because if it's a County road and we have some concern about the annexation, we may or may not want to agree to dedicate that road to the City. And I want to be sure that it doesn't preclude our ability to do that. Mr. Ross, is there some language that does this?

MR. ROSS: Madam Chair, Commissioner Sullivan, certainly the language

that's in there doesn't do that. When the City annexes of course they have to consult with the County concerning the roads that were within the annexed area. So were they to annex this area they'd have to have a discussion with the County about that very issue. So if you want to preserve your right to have that discussion later this language won't do that. It's a little fuzzy at this point concerning that issue.

COMMISSIONER SULLIVAN: The adjoining question is if the City did annex, are we still obligated to maintain, by virtue of this agreement, this JPA or this MOA, would we still be obligated to maintain the road?

MR. ROSS: Madam Chair, Commissioner Sullivan, it looks that way. At least that's an arguable interpretation of 1.b.

COMMISSIONER SULLIVAN: Okay, so maybe we ought to clean this up, Robert, in my judgment at least. It would be simply clarified by saying the County shall own, operate and maintain all facilities following construction completion of the project for such period of time as the facilities remain - I don't want to say remain within Santa Fe County because they're all in Santa Fe County - remain outside the municipal limits of Santa Fe. Does that work, Mr. Ross.

COMMISSIONER CAMPOS: I don't think so.

MR. ROSS: Madam Chair, Commissioner Sullivan, something like that would certainly help.

COMMISSIONER SULLIVAN: Is that close enough that we could make the motion allowing the legal staff to fine-tune that concept? Would that be okay, Madam Chair?

CHAIR VIGIL: Yes.

COMMISSIONER CAMPOS: I don't like it.

COMMISSIONER SULLIVAN: You don't like it.

COMMISSIONER CAMPOS: No. I think we should just say period and not even address annexation. Annexation has a statute that would raise that issue automatically anyway, wouldn't it, Counselor Ross? I mean, we're going to have to talk about it anyway down the road. Why address it at this point?

COMMISSIONER SULLIVAN: Because he just said that it's unclear even with annexation based on this MOA who would maintain the road if it were annexed.

COMMISSIONER CAMPOS: Well, if it were annexed and the County agreed that this should be in the City, at that point in time it would be maintained by the City.

COMMISSIONER SULLIVAN: Says who? This MOA says it's maintained by the County.

COMMISSIONER CAMPOS: State law.

COMMISSIONER SULLIVAN: No, it's not. We've got an MOA where we've agreed that we maintain it.

COMMISSIONER MONTROYA: So which would supercede?

COMMISSIONER SULLIVAN: Which would supercede? Mr. Ross just said it's a debatable question.

COMMISSIONER MONTROYA: Yes, it is.

COMMISSIONER SULLIVAN: So I'm saying let's not debate it. Let's put it up in the agreement so we don't have to debate it and just simply say as long as it's in the county the County's going to maintain it. If it ends up in the city the City maintains it. That's my thrust. That seems logical but I've been accused of other things.

MR. MARTINEZ: Madam Chair, Commissioner Sullivan, another idea is just leave it as is and cross out County and put City. The City shall own and operate it.

COMMISSIONER SULLIVAN: Well, then we have the City operating facilities that are in the county and that could create even more problems.

COMMISSIONER MONTOYA: Madam Chair, that's why I asked the whole question to begin with, in terms of is this a bit premature to be discussing this, and I don't know, should we wait and table this until we finish the annexation process?

COMMISSIONER SULLIVAN: Madam Chair, Commissioner Montoya, I can see the logic in your argument there but the RPA has looked at this. This is part of our agreements with the City, regionally, that this is a regional project. They are at the point - it's a what? \$5, \$6 million project. Is that about right?

MR. MARTINEZ: Madam Chair, Commissioner Sullivan, I believe that's probably around the ballpark.

COMMISSIONER SULLIVAN: Something of that nature. And they do need to get on with the remainder of the design.

COMMISSIONER MONTOYA: So this is time-sensitive?

COMMISSIONER SULLIVAN: It's time-sensitive. I think we need to live up to our commitments on those regional funds, but we don't need to agree to maintain it if it's in the city. So I would certainly support a resolution getting that \$875,000 moved forward to continue the design process on this but I just want to be clear about who maintains it, that's all. So, Madam Chair, did we have a motion on this?

CHAIR VIGIL: No motion.

COMMISSIONER SULLIVAN: Well, if there's no other discussion I would move for approval with amendment one as proposed by staff and with the clarification on maintenance language in item 1.b to be fine-tuned by County staff.

COMMISSIONER MONTOYA: Second.

CHAIR VIGIL: Motion and second. Is there further discussion? Seeing, hearing none, let's take a vote on the motion.

The motion to approve passed by unanimous [4-0] voice vote. [Commissioner Anaya was not present for this action.]

CHAIR VIGIL: Actually, we're going to need to recess. It's 12:30 and we will reconvene this meeting with item XII. B. at 2:00.

[The Commission recessed from 12:30 to 2:10.]

XII. B. Fire Department

1. Resolution No. 2007-43. A Resolution Requesting an Increase to the General Fund (101) to Budget Prior Fiscal Year 2006 Cash Balance with an Operating Transfer to the EMS-Healthcare Fund (232) to Fund Six (6) New FTE's for the Agua Fria Fire Station

CHIEF HOLDEN: Madam Chair, members of the Commission, the Fire Department is simply requesting a transfer from the general fund to the EMS fund so that we can hire six additional firefighters to staff the Agua Fria fire station. This is done in line with a resolution that was adopted between the Commission and the City of Santa Fe, trying to put together a plan to implement additional emergency services in the Agua Fria area to reduce the requirement of response from the City of Santa Fe Station 8 and improve services in the surrounding areas as quickly as possible, once the tax is passed.

Now, granted, the Fire Department is aware that the tax will not become effective until July and we will not see our first disbursement until probably some time after October from Tax and Rev. So with that going forward we will bring forward at a future time, with the assistance of the County Manager a plan to phase in the Fire Department's recommendations on how we ramp up to the 48 additional firefighters that the Commission has approved. We don't see organizationally how we can bring on 48 additional personnel with our existing staff and support very quickly. We're going to have to phase it in over time. I believe that will be the recommendation that we come forward to the Commission in the future.

CHAIR VIGIL: Thank you, Fire Chief Holden. Commissioner Campos.

COMMISSIONER CAMPOS: Chief, a question. When you're hiring firefighters, are these folks that have gone to a special school or have special training or do they come right out of high school? How does that work?

CHIEF HOLDEN: Madam Chair, Commissioner Campos, in the past it has been a two-pronged attack. One of them is to hire trained firefighters and trained paramedics from all over. From the state, from other local agencies like the City of Santa Fe, Rio Rancho, Albuquerque Fire, Bernalillo County Fire and from our volunteers, from our volunteer rank and file. We've also hired those trained people. But beginning in July I think what you're going to see as a recommendation is that we concentrate our effort on hiring firefighter cadets, that is, those individuals who have not been previously trained in either the firefighting field or the emergency medicine field. And we will hire them at a younger age, hopefully from a very local area, and we will put them through the necessary training.

That's why I'm so concerned about how we ramp up and implement these 48 additional new hires as we go forward. Because if the pressure is and the demand is that we hire all 48 immediately, then we're going to have to look outside our community for those resources. Our experience has been, unfortunately, that when we hire those people in they're typically not here for a long period of time. They may give us two years, they may give us three years, but then they're moving on. And so in discussions with the County Manager, what I've proposed to him

is that we focus our hiring going forward after July on locals. We recruit locally. We target the local high schools for hiring and we bring them in and we train them so that we have ties to the community as we go forward. We think that that will mean a better, stable workforce going forward.

COMMISSIONER CAMPOS: Thank you, Madam Chair.

CHAIR VIGIL: Further questions? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Chief, weren't some of these personnel resources going to go to some other stations as well? Which ones are targeted for that?

CHIEF HOLDEN: Madam Chair, Commissioner Sullivan, we have also identified Tesuque, Rancho Viejo, the La Tierra/Las Campanas are and the Edgewood area as priorities going forward.

COMMISSIONER SULLIVAN: And what would be the schedule for the Rancho Viejo?

CHIEF HOLDEN: Currently we have a committee that I've appointed internally. That's called the Response Improvement and Implementation Committee. That's being headed up by Assistant Chief Dave Sperling who is a volunteer district chief. He's heading up that committee. We've got a number of district chiefs and others within the organization that are looking at a plan based on a phased-in approach. So I would – at this point I have my own opinion but I'm really relying on them to bring forth the recommendation that I can then come to the Commission during the budget hearings to discuss with you about how we begin that phased-in implementation.

COMMISSIONER SULLIVAN: Of course we need a building first.

CHIEF HOLDEN: In Rancho Viejo, yes sir. We need a building first. And that's part of what we acknowledge as one of the reasons Agua Fria is so appealing right now. The station is existing. We just need to bring in a modular building to add on to the western side of the building for living quarters and we'll be up and running. And we think we can do that before July.

COMMISSIONER SULLIVAN: And what would be the schedule for the Rancho Viejo building?

CHIEF HOLDEN: Well, I know for sure we'll be forward after July with architectural and engineering and probably a build completion date some time in 2008.

COMMISSIONER SULLIVAN: Have they settled on a site?

CHIEF HOLDEN: We still have two sites that we've discussed with Rancho Viejo. Because the one site there by the IAIA school looks like that tie-in from 599 across 14 is going to be on schedule that that site may be a more appealing site for response configuration than the secondary site.

COMMISSIONER SULLIVAN: Okay. Thanks.

CHAIR VIGIL: Anything further? I have a question. Do these six FTEs represent 24/7 coverage?

CHIEF HOLDEN: Yes, ma'am, they do.

CHAIR VIGIL: Okay. And how many FTEs are EMSs and how many are fire

responders? How have you divided that up?

CHIEF HOLDEN: Like all of our paid staff they will be what we classify as dual role cross-trained. So they do both. They're not designated as one or the other. They're firefighter/EMTs and the firefighter/paramedics. And typically the configuration that we have used in the past is one paramedic/firefighter with one EMT/firefighter. So it's a team of two and they staff a medic unit or an ambulance, and that's how that response configuration is made up, two people 24/7.

CHAIR VIGIL: Thank you. What's the pleasure of the Commission?

COMMISSIONER CAMPOS: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER CAMPOS: Move we adopt the resolution to fund the six new FTEs for the Agua Fria fire station.

CHAIR VIGIL: Motion. Is there a second?

COMMISSIONER SULLIVAN: Second.

CHAIR VIGIL: Motion and second. Is there any further discussion?

The motion to approve Resolution 2007-43 passed by unanimous [4-0] voice vote.
[Commissioner Montoya was not present for this action.]

XII. C. Land Use Department

1. Update on Status of Edgewood's City Limits and Recent Annexations and Request for Direction of How to Address Pending and Future Requests by Edgewood for Comment on Annexation Petitions

JACK KOLKMEYER (Land Use Administrator); Madam Chair, good afternoon. Good afternoon, Commissioners. I've been asked to open up a discussion with you for a couple minutes this afternoon on some issues that are starting to come before us regarding annexation matters with the City of Edgewood. In your packets you have a map also, a memo from me and then a map as current as we can of the developing pattern of the Town of Edgewood.

And what has come up among staff in our discussions and issues as we respond to annexation requests from the Town of Edgewood is that we want to make sure that we're providing you with the up to date information on what's happening with annexation in the Town of Edgewood and also that we're following procedures and policies so that we're doing things right and that also things are coming back to the Board and you're responding to things in both a timely and a legal manner, because as you know, over the past year, Santa Fe has received an increasing number of communications from the Town of Edgewood regarding proposed annexations. And generally the way it works is Karen Mahalik, the land use planner for the Town of Edgewood forwards to the Santa Fe County Legal Department a copy of each

petition for annexation submitted to the Town of Edgewood by a landowner. The petition contains a generalized description of land proposed for annexation. The Town of Edgewood then affords the County an opportunity to comment on the proposed annexation. The County may not prevent the proposed annexation unless County owned property, including roads, are a part of the proposed annexation.

The annexation must include County roads that bound the proposed annexation property and can only include those roads with the consent of the County. In 2007, this year, at least five annexations have already been completed by the Town of Edgewood. So when a petition for annexation is forwarded by the Town of Edgewood to our Legal Department what happens is Rachel Brown of our Legal Department contacts me in the Land Use Department to ensure that we have no objection to the proposed annexation, and she also contacts the Public Works Department to determine whether there are any objections to the relinquishment of County roads contained in the proposed annexation.

At this time there are several annexation petitions pending which include County roads. Public Works has confirmed that they have no objection to relinquishing the roads. Subsequently, the Commission must determine whether to consent to the relinquishment of the roads. Now, apparently this is one issue because these requests to relinquish these roads are supposed to be done on an as-case basis as these petitions for annexation come forward.

Now it was pointed out to me by Public Works that we have an annual road certification procedure which actually addresses additions abandonment, deletions of roads, but this is on an annual basis and it's more for road planning maintenance and funding procedures. So we suspect that this is one thing – although we're actually requesting or asking for some direction on this because it appears that what we need to be doing is bringing these petitions before you each time and then you vote to concur whether these roads should be relinquished or not. So we want to address that issue for a moment this afternoon and I'd like Rachel Brown from the Legal Department to specifically address that.

And then also, when you look at the map you can really start to see that we're having incredible checkerboard situation occur in the Edgewood area. We have a combination of traditional community zoning in that area as well as County land use zoning that's surrounded now by the Town of Edgewood in many areas. So that raises the question, should we be doing some kind of an annexation strategy with the Town of Edgewood. There has been some discussions in meetings with the Town of Edgewood and we've had some discussions with the planners in the area but we have formalized nothing. When you look at this map now you start to think, well, is it too late or is it just the right time or should we now be taking some action. So we'd like a little bit of feedback on that.

If I could, I'd like to go back to the first issue of the relinquishment of roads and the role of the Board of County Commissioners and I'd like to ask Rachel if she'd make a couple of comments and then we can open that for discussion. Thank you.

RACHEL BROWN (Assistant County Attorney): Madam Chair, Commissioners, I'm not sure I have a whole lot to add from what Mr. Kolkmeier has already told you except that we do have an obligation to respond as we receive these petitions and

determine whether the roads will be relinquished or whether we intend to discuss with the Town of Edgewood to the proposed annexation. There are at least two on the map that have not been acted on by the Town of Edgewood yet which involved County roads. Some of the annexations that are shown on that map for 2007 have already been acted on by the Town of Edgewood without our consent about the roads and I would at this point ask of the Commission to make a decision about the roads despite the fact that those roads have already been completed by the Town of Edgewood. Thank you.

CHAIR VIGIL: Thank you, Rachel. Are there any questions? Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, thank you. Rachel, what roads are we talking about? Do you have those?

MS. BROWN: On the color map that you have in front of you I hope you can make out the green lines which identify the County roads that were part of the proposed annexation. They're thicker green lines and they're just very small portions of roads; they're not entire roads. I'd be happy to come forward and point some of them out to you.

COMMISSIONER ANAYA: So they're a small amount then.

MS. BROWN: Right. And each of those roads we've contacted the Roads Department about and they agreed that it would be in our best interest to relinquish them. However, it's really the Commission's decision as to whether to do that or not.

COMMISSIONER ANAYA: So, Madam Chair, the one in the blue, the light blue color, that is their proposed annexation now, or they've already annexed it?

MS. BROWN: The blue are the ones they have not completed the annexation on yet. Some of the yellow ones are petitions that came to us in 2007 which we haven't made a decision about yet but the Town of Edgewood has completed their process and recorded an ordinance showing that the annexation is complete.

COMMISSIONER ANAYA: On the yellow.

MS. BROWN: On the yellow where it's marked 2007, not the entire yellow. And I think there are five different annexations that have gone through in 2007.

COMMISSIONER ANAYA: Okay, so – the yellow – traditional community. The unmarked yellow is the proposed.

MS. BROWN: The proposed annexations are in light blue; those are the ones the town has not yet completed. Some of the yellows – and you'll see date stamps in each yellow box – have been completed in 2007 without our input. And I'd be happy to approach and point out some of the yellows and incompleting in 2007.

COMMISSIONER ANAYA: I see them now. Okay. Thank you, Madam Chair.

CHAIR VIGIL: Commissioner Montoya.

COMMISSIONER MONTOYA: Thank you, Madam Chair. My feeling on this is that the City of Edgewood should assume the responsibility I think as is the case with any annexation. So that's my thought on this. Are they just looking for direction or are we going to be bringing this back at a later time?

MS. BROWN: Madam Chair, we actually need the Board to take formal action as to whether to relinquish these roads.

COMMISSIONER MONTOYA: Madam Chair, I would move that we relinquish these roads.

COMMISSIONER CAMPOS: I would ask for a little more discussion.

COMMISSIONER SULLIVAN: Plus, point of order. It's not an action item on the agenda.

COMMISSIONER MONTOYA: That's true. That's why I asked.

COMMISSIONER SULLIVAN: It just says update.

COMMISSIONER MONTOYA: I know.

MS. BROWN: The way it's phrased is we're asking for direction as to how to address the pending requests so I think within that you could read that there's a request for action on these roads.

COMMISSIONER SULLIVAN: No, I don't think we could. Let's read exactly what it says, Madam Chair. It says how to address pending and future requests. That doesn't mean action.

COMMISSIONER MONTOYA: Well, request for direction of how to address. So request for direction would be that I suggest we relinquish.

MR. KOLKMEYER: Madam Chair, Commissioner Montoya, actually, we wanted to just present this as a discussion item knowing that we do have to take action on it. And since the map is kind of a little difficult to read and everything, and Commissioner Anaya asked a really pertinent question: What are the specific roads that we need to act on? I would like to suggest that we could come back with a list of the specific roads that we need to relinquish to the Town of Edgewood and then you could take action on that. But we just wanted to point out to you that actually you're required to do this, which hasn't been done in the past and we can make a list of these roads and bring them back to you. That would probably be a lot clearer, wouldn't it, Commissioner Montoya?

COMMISSIONER MONTOYA: Sure. Yes. And my sentiment is still the same.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Thank you, Madam Chair. If you could tell us what County road it is, what's the name of the road and how long it is for each one that we're going to be talking about. Thank you, Madam Chair.

COMMISSIONER CAMPOS: Madam Chair.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: I think the bigger question is raised by Mr. Kolkmeier under the discussion item, second paragraph, which got my attention. These annexations raise concerns that there may be other issues involving public utilities and planning and zoning that should be discussed in broader context. And I would ask for just a little bit of your thinking on that issue.

MR. KOLKMEYER: Madam Chair, Commissioner Campos, that's a good

question. When you first look at this map you get the impression that it certainly appears that properties are being annexed as they come in and request it so it's going all over the place. And you start to see a lot of the white area there that's either surrounded entirely by the Town of Edgewood or my Bernalillo County on the other side, which also makes it then entirely surrounded. And I think it brings up the question now, we're starting to receive questions from the City of Española about are we dealing with the extraterritorial area around the City of Española in the correct way and we really haven't even entered into any discussions at all that I'm aware of, at least from the Land Use Department of how we are thinking about annexation.

So that seems to raise the question, should we be embarking on an annexation strategy with the Town of Edgewood. And if that's the question, then what is the answer? Do we embark on something like a Regional Planning Authority setup with the Town of Edgewood? Do we do it just jointly between the City and the County? Should we start a series of workshops or task forces with the Town of Edgewood?

So at this point I don't really have a clear or distinct answer, Commissioner Campos, other than I think that probably the best thing to do would be just to take the first step to engage with the Town of Edgewood to see what they'd like to do because the problem for us - you may recall when some of you took office this was a lot different. There was a lot less yellow on this map and even going back ten, fifteen, twenty years ago, this was entirely a traditional community. Now what we're seeing is this mixture of traditional community zoning with County zoning and we're not getting a lot of requests for development activity ourselves down there and probably because people are just waiting to see what's going to happen with annexation.

So it might be a very good time for us to embark on this discussion with the Town of Edgewood to benefit our own residents in the county portion of that area but also to start moving forward, I think, on an annexation plan for Edgewood.

COMMISSIONER CAMPOS: I agree. This is a reactive plan. It doesn't seem to be well thought out. It's a patchwork of we'll annex if you ask us to annex. It's very similar to the City of Santa Fe, actually, when you think about it. It's piecemeal. It doesn't have an annexation plan. I think we should embark on a joint agreement as to an annexation plan. I think creating EZ's in the south and in the north. Can you imagine how many meetings the Commissioners are going to have to attend if we have two more EZ's at least? I think it could really be very difficult.

MR. KOLKMEYER: I think we agree, Commissioner Campos, that it might be easier just to, rather than do that, just kind of embark on one-one-one conversations with them, because when you look at - sorry we don't have bigger maps. We have them put up. But when you look at all the white on the left-hand side here. It seems fairly obvious that at some point that's going to get pulled into the Town of Edgewood too, so maybe we should be just reaching some agreement with them and also because again, what it does, the same thing that we've noticed in the discussions about annexation with the RPA that the biggest problem that it creates from the County perspective, in my opinion is it keeps the residents in limbo. They don't know what really the status of their property will be in a year or so from now. And I

think we owe them that service and maybe embarking on that kind of activity.

COMMISSIONER CAMPOS: What is the quality of the land use regulation within the Town of Edgewood? Because initially, some people speculate that Edgewood's created so as to avoid County regulation which they felt was too stringent. There was some discussion about that.

MR. KOLKMEYER: Commissioner Campos, it's my understanding that they're now working on a general plan. So that means it's probably a really good time for us to engage them and see what they might be working on in terms of growth management ideas for their own community, fits in to the properties that are still in the county.

COMMISSIONER CAMPOS: I guess the other question is resources. You have a lot on your plate. Do you want some more? This is a big project.

MR. KOLKMEYER: I guess we can get bigger plates.

COMMISSIONER CAMPOS: Or a bigger bank account.

MR. KOLKMEYER: Roman can order us bigger plates. I think if we do it right and we just set up some dialogue maybe now. I think it's going to involve not only land use but this is clearly one of those kinds of things that maybe goes along as part of what we'll listen to a little bit later on about strategic planning, because this has come up a couple of times, that we can just keep confining strategic planning in our minds to the Santa Fe area but it really does have to involve Española and Edgewood as well.

So maybe if we put part of this and develop some thinking about how we want to approach this into the strategic planning concept we can pull together Public Works, Utilities, Land Use and some of the services like police and fire that we also need to look at, and of course financing for these things, maybe start off and look at what our thinking is and our philosophy for how we would want to handle this. Maybe we do that through the steps of strategic planning and let the Town of Edgewood know that we're doing this. I'm happy to communicate with their Land Use and Planning Department and let them know that we'd like to then merge our thinking and sit down and have some conversations with them. That might be the best way to do it at this point. It's still on a moderate-sized plate.

COMMISSIONER CAMPOS: I think you're right. I think you want to talk to our County Manager and find out what our resources are as far as getting in deeper and deeper. Something needs to be done.

MR. KOLKMEYER: We agree with you, Commissioner, but the other thing is, I think one of the things that alarmed us most of all is we hadn't really put together a map for six months. And then we put the map together again and you see it and it's radically different than it was six months ago, and again, we wait too long and then things that we may have wanted to achieve ourselves have passed by.

COMMISSIONER CAMPOS: I don't agree that we should wait too long. We should discuss it soon. But I think we have to talk resources at the same time.

CHAIR VIGIL: Anything further, Commissioner Campos? Commissioner Sullivan.

COMMISSIONER SULLIVAN: A specific question for legal. I count five

sizable parcels that are already listed as 2000 annexations in that category. So for those that the town already alleges or at least records as being annexed, what kind of direction are you looking for? Just to rubber stamp that, or what are our options?

MS. BROWN: Definitely not a rubber stamp but thoughtful consideration of whether the roads are something that should be relinquished. If the Commission decides that they are not roads that should have been relinquished, I'm not sure what the next step is because under the statutes, annexation can't be completed without our consent to the annexation of those roads.

COMMISSIONER SULLIVAN: I think we have a little bit of leverage there as a result of that as we've seen in other cases, and the direction that I think would be appropriate is if you look at the areas in here that are not annexed, a lot of which have the green County roads on them, they're areas that have already been subdivided. So most of the areas that have been annexed are unsubdivided areas that a developer wants to get into the Town of Edgewood and be able to develop based on the town's criteria and not the County's criteria, which I think is more strict.

So I think one of the things that we can do is require that when they come in with an annexation that they also get rid of the donut holes that are around the annexed area. I'll give you an example. You see down on the bottom – do you have a map there?

MS. BROWN: Yes, I do.

COMMISSIONER SULLIVAN: On the lower right-hand side you see a 2007-12. See that one? Okay. Look at the particle immediately north of it. There's a parcel or a section – or I guess it's a quarter section. Or it's a whole section. Three-quarters almost that's an existing subdivision, all of which the County's in there maintaining the roads. And likewise the little piece to the left of it. So if I were looking at these I would say if you want to annex 2007-12 which is a vacant piece where obviously somebody wants to build something, then you as a town need to assume these existing residences, police protection, fire protection, roads and all of those that go with becoming a municipality. So that would be a strategy that I'd suggest. As each one of these come in you look around.

Now the others seem to be pretty well completing a block. The blue ones seems to be and the other 2007 ones seem to be, it's just the ones right around that 2007-12, it seems like if they're going to do it they ought to go all the way and do the rest of them as well. And then we're out of the road business. We're out of the EMT/fire business and the town takes that over. That would be my suggestion.

MS. BROWN: I would hope that in discussions about annexation strategy that would be something that's raised. I know that when I've spoken with representatives of the Town of Edgewood they have indicated that they're trying to infill, trying to get rid of the donut holes.

COMMISSIONER SULLIVAN: Well, I would suggest that as an immediate strategy for those parcels that have that situation and just say we don't want to contribute the problem of uncertainty in the residents as to who serves them, and costs to the County to go all the way down there to serve one little subdivision of roads in the middle of the Town of

Edgewood in the middle of a snowstorm when we can't hardly get there anyway. So that would maybe - I'm not sure that the town would be particularly keen on dialoguing with us on planning and strategic planning and strategy. My feeling is this used to be a part of my district. Their response would be It's none of your business. We probably won't get too far unless we have some stick that we can have behind our back while we're speaking softly. So just practically speaking that would be a start where I would look to eliminate the donut holes as part of each annexation.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, thank you. Commissioner Sullivan, the Town of Edgewood is willing to negotiate and talk to them. But we are in negotiations with trying to trade roads out, where the Town of Edgewood would maintain those roads that you're talking about there and then we could maintain some road that they have somewhere else. But those are some of the things that we could sit at the table. The mayor and the councilors are all willing to see how we can work closer together. So I'm sure these are something that staff can look at and I'll follow up when I see the mayor so we can try to move this forward. Thank you, Madam Chair.

CHAIR VIGIL: Anything further? Commissioner Montoya.

COMMISSIONER MONTOYA: I would suggest - we just had a discussion yesterday with the city manager and one of the city councilors in Española and decided to move forward because that's going to be coming forward also and I will forewarn this Commission that annexation and the City of Española is going to be happening within the next year or so. The discussion that we had and I would suggest that it occur here is that staff to staff work in terms of what makes sense. Bring it to the Commission, bring it to the councils, etc. so that those decisions can be made. So I would suggest that, because it sounds like you already have some working relationship with a staff person there in Edgewood. The last thing I want to do is go to another meeting. We don't need no more EZA's and that sort of thing. Two more. One in the north, one in the south. So that would just be my suggestion in terms of moving forward with the annexation in Edgewood as well.

CHAIR VIGIL: Do you feel you have sufficient direction? Or do you have any further questions?

MR. KOLKMEYER: Madam Chair, I feel we have sufficient direction. We'll come back to you with a list of the roads that the BCC needs to act on, the names of the roads, the length of them, and then we'll concur and work with the County Manager to look at these annexation issues in both Española and Edgewood and formulate some kind of strategy about how we'd like to move forward and then we'll get back to you.

CHAIR VIGIL: That would be good. It would be good also in your discussions to advise the City of Edgewood that when they annex, the property should be contiguous. I see in this map that they're annexing property that is not contiguous. That violates the statute. I realize this is just a map and I suppose it could be contested but in the northern part of this annexation, I think under Thin Ridge 27 there's a piece of property there that's annexed that's solely on its own and does not meet the annexation criteria. Is that something that they are

practicing regularly?

MR. KOLKMEYER: Madam Chair, I don't know the answer to that and that may be a mapping issue so we'd need to double-check on that but I think we're all aware that they're supposed to be contiguous and I don't have any other further information on that. I'd also like to acknowledge the points that Commissioner Sullivan made too because I think they're really good ones, that when we respond, the last thing we want to do is go through another donut hole discussion like we did with the City so I think that we'll put that on our list too. I think that was a really good suggestion. Robert, do you want to make some comments?

CHAIR VIGIL: Is that on that point, Robert? Because I have Commissioner Anaya. Did you want to make some statements on this point?

COMMISSIONER ANAYA: I forgot what I was going to say. Next time we bring it up to the Commission, would you please tell the Town of Edgewood to come and be here just in case there's some questions they can answer? Thank you, Madam Chair.

CHAIR VIGIL: Mr. Martinez.

MR. MARTINEZ Madam Chair, the only comment I want to make is regarding the donut holes and the non-contiguous annexations. My understanding is their annexation is based on unopposed annexation. They're working with people that have come forward to them requesting to be annexed. So that is why you're seeing these donut holes and non-contiguous annexation.

CHAIR VIGIL: Thank you. I guess my position on that is they may be willing to comply with requests but that doesn't comply with the state statute. So I think that piece needs to be communicated. Anyway, if there is nothing further and you feel you have sufficient direction -

MR. KOLKMEYER: Yes, Madam Chair.

XII. C. 2. Consideration of and Approval of Santa Fe County Ordinance No. 2007-1. An Ordinance Governing Design, Construction, Operation, Replacement and Maintenance of Swimming Pools Within the Unincorporated Areas of Santa Fe County, Providing for Medical Exceptions: Repealing Resolution No. 2006-86

CHAIR VIGIL: Is that you, Dr. Wust, who will be presenting this?

MR. ROSS: Madam Chair, I think myself and Dr. Wust will tag-team on this particular item. Let me just kind of recap where we are. We've been before you I think five times on this matter including today. This matter's been before us a number of times. We've had two public hearings on this proposed ordinance. During the last hearing when the ordinance was up for adoption, I think this was in January, Commissioner Anaya had some concerns that he heard from pool contractors who spoke during that meeting in January and we were asked to go back and meet with them and get their input on the proposed ordinance, which we have done.

The proposals that grew out of that meeting which involved myself, Dr. Wust, Land Use staff and the pool contractors, those proposals are in the draft of the ordinance that's in front of you. This consensus approach to the various issues that they raised last time and I'll just take you through them briefly. Some of the changes that you see here are the same changes, they're just made in several different places in the ordinance. I think there's only just a few, a small handful of issues that are remaining that they raised with us.

If you take a look under Section 4, New construction of swimming pools, it says construction of swimming pools is permitted so long as - and then you jump down to little 2, construction is permitted so long as the water budgets and restrictions, if any, on the property are adequate to permit filling the swimming pool initially, and refill the swimming pool thereafter with up to 20 percent of the swimming pool's total volume annually. This grew out of the discussion with the pool contractors that with the requirements in the ordinance for mandatory covers, that in their opinion, there's virtually no evaporation from a pool aside from the time when it's exposed to the elements when the pool is open.

So we tossed that issue around a lot during our meeting and came up with what we think is a realistic view that swimming pools are going to have to have some water added to them annually, possibly as much as 20 percent of the total volume of the pool annually. In other words, a complete fill of the pool every five years. So we included that language in the proposed draft you see in front of you, and it's in a number of places. You'll see it in little 2, it's in little 3 and it's on subsequent pages. This was a primarily issue that we debated in our meeting with the pool contractors.

You'll see a number of deletions over on the right-hand side. These were also related to the issue I just spoke of, in fact most of the deletions relate to that issue. You'll see in number 4 that's just a grammatical cleanup there. Section 5, Design, one of the issues that was raised was with the language in the prior ordinance, the prior draft concerning water conservation. As you recall, you'll see in the deleted text there we specified in that prior draft a number of ways to conserve water falling on the deck of the pool and the cover of the pool. The discussion at the meeting was perhaps we shouldn't purport to specify what water conservation methods should be used because there are a number of methods we didn't list that are equally effective and this will give the pool contractor and the homeowner some flexibility some methods of conservation other than those that we specified.

The change in the second sentence is a fairly important one. In the earlier draft as you recall we were requiring that water that falls on the deck and the cover of the pool be captured. The second sentence there has been amended to clarify that any water that's captured or conserved as a result of these methods is not going to be counted in the water budget in the calculation by the Water Resources Department of the budget for the pool. Once again, that's a consensus change.

Under Section 6 the pool contractors were very helpful in this area because they know a lot about operation and maintenance of pools that we did not actually know, such as the change proposed there in 6.c that specified that swimming pools are not to be drained and painted. Apparently pool owners sometimes feel that they have to drain a pool annually and paint it and

apparently this is about the worst thing you can do to a pool. It just promotes leaking problems and should not be encouraged, so they encouraged us to include this provision which prohibits this practice.

COMMISSIONER SULLIVAN: Madam Chair.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Mr. Ross, I wonder about that. So that means it's against the ordinance to ever drain the pool or ever paint it?

MR. ROSS: Drain and paint it. In other words, drain for the purpose of painting. You can drain a pool for the purpose of repairing the pool. You just can't drain it to paint it.

COMMISSIONER SULLIVAN: "And swimming pools shall not be drained and painted," it says.

MR. ROSS: Right.

COMMISSIONER SULLIVAN: So you don't drain them and you don't paint them.

MR. ROSS: No, that would be drained or painted, I suppose. The way I would interpret that would be drained and painted – you're draining it for the purpose of painting it.

CHAIR VIGIL: So it would be the swimming pool shall not be drained for the purposes of painting. For the sole purposes of painting.

MR. ROSS: Correct.

COMMISSIONER SULLIVAN: That would read a little better. Thank you.

MR. ROSS: In Section 7.a, Madam Chair, as you recall, we had a discussion last time about whether it was appropriate to truck water and this is an issue, apparently, because a number of pool customers are served by wells that have really poor water chemistry. So it is thought by the pool contracting community that it's important to at least permit the use of trucked water under certain circumstances for purposes of obtaining the proper chemical balance in your pool. So we had quite a discussion about this also with Dr. Wust and agreed with the pool contractors that if trucked water was to be used it wasn't to be accounted for in any calculations made by the Water Resources Department in determining whether the water budget or related restrictions on the property permitted a pool in the first instance.

And then I think the remaining changes are all related to the filling of the swimming pool once every five years that we talked about earlier. I know there are some folks here. The pool contractors that spoke the last time are here. Dr. Wust is here and we're available to answer any questions.

CHAIR VIGIL: Questions? Dr. Wust, do you have anything to add? Or have questions or comments afterwards?

STEPHEN WUST (Water Resources Director): Madam Chair, Commissioners, just an additional comment on the trucked water. That was a clarification because the County feels that because trucked water is uncertain, the company and we don't know where they get the water source from, we wanted to make sure that people did not use trucked water and their water availability because there would be no way to verify that. The original language, the pool

folks were concerned that it meant they could not use trucked water in any way, shape or form and as Attorney Ross pointed out, sometimes with the water chemistry it's a little better to have a different water source. So the language here just compromises what we originally had anyway which was it's okay to use, but we're not going to use it as part of the calculation of you demonstrating water availability.

The other concern we had is if somebody would start with trucked water when they had basically a well that couldn't supply it in order to be able to pass that requirement and then say, well, I don't want to have a long-term requirement. I don't want to have to keep paying a company and so they'd start using their well, which may not be capable of that. So that was in the original language but it was confusing enough that we just rewrote it. It wasn't a real change to the substance of this particular ordinance. It was a clarification of the language. That was the only additional comment I wanted to make, Madam Chair.

CHAIR VIGIL: Okay. Any further questions for staff? Commissioner Sullivan.

COMMISSIONER SULLIVAN: Either Steve or Dr. Wust, we have a number of areas in the county where pools are prohibited by land use approvals, I assume. Is that the case? Either by covenants or conditions? Does this now permit swimming pools in those areas?

DR. WUST: I defer to legal on this.

MR. ROSS: Madam Chair, Commissioner Sullivan, it does require that the construction of a pool be consistent with the approvals that were previously obtained. And just for the record, the 1996 Land Development Code is written in such a way that we think pools are prohibited on new lots approved since the 1996 Code went into effect.

COMMISSIONER SULLIVAN: In any new lots?

MR. ROSS: Right.

COMMISSIONER SULLIVAN: Okay. So this would only apply to lots that are recorded prior to 1996. Okay. And I see in one area we took out, deleted something having to do with restrictive covenants. It was on page 4. We deleted a paragraph 4 that said construction of a pool will not violate water restrictive covenants assigned to the property. But that's just what we said, that we have areas where restrictive covenants do that. Why did we delete that? Because we don't want to get into the restrictive covenants business?

MR. ROSS: Madam Chair, Commissioner Sullivan, yes. That's consistent with our practice not to enforce restrictive covenants. Those of course are different than the water budget that's been assigned to this particular property or covenants placed or conditions, more accurately. Conditions that are placed on the plat by this body or by the County's land use process.

COMMISSIONER SULLIVAN: Okay. So getting back to the applicability. The ordinance applies to unincorporated areas that are not otherwise governed by the EZ Ordinance 1996 as amended to modify the developments that have received final plat and plan approval. Now, is this just for the EZ or is this for the entire county?

MR. ROSS: Madam Chair, Commissioner Sullivan, the ordinance applies everywhere except for the EZ or municipalities. That's the first element that's in there. And then the second element is to avoid the problem that exists in the Subdivision Act that says that

any final plat that conforms to the preliminary plat must be approved unless there are substantial changes proposed. So this is the kind of language we're using in all of our land use ordinances.

COMMISSIONER SULLIVAN: And would it be a good idea to be more specific in this ordinance? We don't refer back to the 1996 land use ordinance. Would it be a good idea to have as part of the applicability to say that this ordinance only applies to lots platted in advance of the 1996 ordinance? I'm trying to get everything together in one place. If someone wants to know what do I need to know about the swimming pool and the staff hands them, here's Ordinance 2007-1, they may go out and not know that the 1996 Code prohibited it and that they now have a new lot and they go to all that trouble and suddenly our compliance people come out and red tag them.

MR. ROSS: Madam Chair, Commissioner Sullivan, the rule is that all ordinances, and that would be the 1996 ordinance and this ordinance have to be read together and all provisions of both ordinances apply. That's common law. That's the way ordinances are looked at. If you want to call attention to that issue, certainly language could be crafted in a simple sentence along the lines of what you proposed, could be added to Section 1. That rule exists whether we write that sentence in there or not, but we could write it in there so that folks

COMMISSIONER SULLIVAN: Kind of a belt and suspenders kind of thing, but I'm always concerned, and then people come up and they want a variance and they say, well, I don't know. I didn't know. In our area we had someone come in who was a builder and said, oh, I didn't know that we couldn't have a guesthouse. He builds homes for a living. It was in the ordinance. It was in the ordinance, and guess what, they got approved for a variance of a guesthouse. So we get these hard luck stories. It's a lot easier if the staff can have one document that at least points out if they have any questions they can go to the 1996 Code and find out for themselves. I'd just feel a little more comfortable if we had that cleared up in the ordinance.

And then the only question I had, Madam Chair, was it just seems a little contrary to what we've been doing in water conservation to have unrestricted – an ordinance which allows unrestricted sizes of swimming pools. I know they have covers on them and that prevents some of the evaporation. Was there any discussion on limiting the sizes of swimming pools in these lots that occurred prior to 1996?

MR. ROSS: Madam Chair, Commissioner Sullivan, the contractors have a lot of experience in this area and they can illuminate the issue for you. What they told us is that pools are not getting larger; they're getting smaller as a practical matter. They build them; they know. They're just not seeing giant pools being built. I guess the example they used with us in the meeting was the diving board. Apparently the diving board, for those of us who spent some time in the Midwest that seems to be a fixture of pools, it's not. It's not any longer.

COMMISSIONER SULLIVAN: I'm glad to hear that in this water-short area. I guess like we do on other things, we often set a maximum that enables a staff approval to go forward and then if we go beyond that it requires Commission approval. And in terms of swimming pools it just seems to me that we ought to set a reasonable limit on it and if that limit

is exceeded then it doesn't say that it's illegal but it would just say that it requires more in-depth review by the County than would otherwise occur at the staff level. I'd like to throw that out for discussion. I just feel that while we're at it, we could put a level on there that's not – that contractors would be comfortable with. I'm not trying to put anybody out of business but just have some level beyond which a red flag should go up and we should say, hey, let's take a look at this in the context of the water rights they have and their water budget and so forth.

MR. ROSS: Madam Chair, Commissioner Sullivan, we did discuss that in our meeting with them. The suggestion from the pool companies was to base it on number of gallons. I believe they came up – I'm sure one of them is here – 30,000 gallons. The difference being that if you had a lap pool compared to a play pool, if you did it by area or depth that might vary the type of pools people have but they thought that if you did just by volume you could put a reasonable cap on it, as you said, where they'd have to come for County approval.

COMMISSIONER SULLIVAN: How big would a 30,000-gallon pool be? Just typically.

DR. WUST: Commissioner Sullivan, they came up with that right off the top of their heads. It would be based on depth and if you're going from three feet to six feet and things like that. I don't have that kind of idea in my head but they thought that would be a reasonable size, I believe, for a regular play pool that changes depth and things like that, and had laps.

COMMISSIONER SULLIVAN: I just throw that out. Whether it's gallons – it makes more sense than square feet as you say because it depends on the depth, although depth doesn't have anything to do with evaporation. Evaporation is going to be based on the surface area. Those are all the issues I have.

CHAIR VIGIL: I have Commissioner Campos, then Commissioner Anaya.

COMMISSIONER CAMPOS: I don't have any additional questions.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Commissioner Sullivan, I've got a swimming pool at home. It's 30,000 gallons. It's 30 feet in diameter, five foot high. It's really a stock tank but we swim in it. We use it as a swimming pool in the summer. It's froze over right now so it's covered. Could you clarify the 1997 aspect of this? Clarify that for me.

MR. ROSS: Madam Chair, Commissioner Anaya, I'm not as conversant with that issue as somebody from Land Use might be but my understanding is since the 1996 Code was enacted, as a practical matter swimming pools are not permitted. Lots created after 1996.

PENNY ELLIS-GREEN (Deputy Land Use Administrator): Madam Chair, Commissioners, in 1996, the Land Development Code was rewritten and in the water restriction covenant section of that it states no swimming pools. So all land divisions and subdivisions created after, I believe, October 10, 1996 had water restrictions that stated no swimming pools.

COMMISSIONER ANAYA: So this ordinance here, people can build swimming pools now?

MS. ELLIS-GREEN: Madam Chair, Commissioner Anaya, Section 4.a of this ordinance would state that property is not restricted by water covenants that otherwise restrict a swimming pool. So we would look at water restriction covenants. If they say no swimming pools, they would not be permitted a swimming pool.

COMMISSIONER ANAYA: Okay. So if somebody recently got a lot developed now, they could put a pool in? If there was no covenants?

MS. ELLIS-GREEN: Madam Chair, Commissioner Anaya, there's likely to be covenants stating no swimming pools.

COMMISSIONER ANAYA: But prior to 1996?

MS. ELLIS-GREEN: Prior to October 10, 1996 that statement may well not be on the plat.

COMMISSIONER ANAYA: Okay.

MS. ELLIS-GREEN: Some larger subdivisions were approved with a restriction from the Board stating no swimming pools and they would be noted in the water restriction covenants and on the plat.

COMMISSIONER ANAYA: Okay. Got it. Thank you.

CHAIR VIGIL: Further questions? Seeing none, this is a public hearing. Is there anyone out there that would like to address the Commission on this ordinance? Commissioner Campos.

COMMISSIONER CAMPOS: As far as public comment, we've heard a lot of the comment already. I just don't want to hear the same comments from the same people again.

CHAIR VIGIL: I don't see that you're going to hear any.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: I want to thank staff for sitting down with the public, contractors because it's always important to include them when we come to a consensus to do an ordinance like this and I appreciate staff doing that. I appreciate staff doing that. I appreciate staff doing that.

CHAIR VIGIL: Thank you. And I do believe there is someone that would like to address the Commission.

LINDA HERMANSON: My name is Linda Hermanson, Hermanson Construction, 4923 Paseo del Norte, Albuquerque, New Mexico. Madam Chair, Commissioners, I want to thank all of you for reconsidering this issue. I want to thank the attorney and Mr. Wust for helping us work with this. We have put in a lot of time and a lot of work on this and we appreciate your taking a look at this. If you have any questions of us we are here to answer them. I hope that we have been helpful and informative on this. As we stated before, this does affect our livelihood and we appreciate all of your consideration. Thank you.

CHAIR VIGIL: I have a question for you. The 30,000-gallon limitation that we've addressed earlier. What's your response to that?

MS. HERMANSON: What we were looking at was a 35,000-gallon figure and what we calculated was a 20 by 40 pool with a deep end, which would be 8 ½ feet. Which

would take care of your average backyard pool. We felt that by going gallons rather than dimensions it would give people a little bit more latitude in case they wanted something perhaps longer and narrower for lap swimming and that type of thing. And so it encompasses everybody from someone who's doing it for lap purposes to someone who's looking for recreational use.

CHAIR VIGIL: Does it make sense to you to have that limitation? And otherwise the Commission can look at it beyond that for a variance?

MS. HERMANSON: The pools typically - a 20 by 40 is a very generous pool. Typically, you're not going to see pools running over that very often. It would be preferable from our standpoint not to have a limitation simply because of the process involved and the time involved and everything to obtain it. We are a seasonal business and so we have a relatively small window in which we can work. So from the time that we start getting everything ready to permit to the time of construction, if it's something that's going to take two to three months time it could hamper the construction schedule on it. It could create a problem with getting that done in a timely manner during that season.

CHAIR VIGIL: It seems to me it's foreseeable that somebody could come in and request a humongous pool and comply with this Code without a limitation such as there are many residents who are coming to New Mexico and because there are no caps or really guidelines able to develop their own air landing routes. Without looking at what might be foreseeable, it seems to me this 35,000 gallon would be a way to prevent something that probably is not that foreseeable for you because your day-to-day practice is within a certain limitation but here at Santa Fe County and in other places throughout the state there are those exceptions.

MS. HERMANSON: We find that our clients are very, very conscious people. They're very concerned about water. They're very concerned about being good neighbors. We find that the homebuilders, for example, that we work in conjunction with are using graywater. They're working with blackwater. They're doing everything they can, and consequently our people are very mindful of not creating something very large. I personally don't think that the cap is a necessary thing, just given the fact that it's an aberration to do something as large as what you, I think, have in mind. So obviously, from our standpoint it would be very helpful if we didn't have the cap simply because it's not something that happens that much.

CHAIR VIGIL: And I would just say it may not be your client; it could be somebody else that would come before us, because this is for everyone.

MS. HERMANSON: Right. I understand. But in talking to the other builders, we just don't see that people are going nuts, if you will, with these pools. Your average person building a pool - and these are not plain Jane vanilla pools. The folks that we all work for are building pools that have a lot of amenities and they're very pretty and they're showpiece pools. These people are still very mindful, so they typically are not running amok, if you will, with the water. So I don't know that that's necessarily something that's really going to be a problem.

CHAIR VIGIL: Thank you very much, Ms. Hermanson. Is there anyone else that would like to address the Commission.

RONALD YATES: I'm Ronald Yates, 111 Industrial Park Loop, Rio Rancho,

New Mexico. I just want to thank everybody here. I'd like to say on an average, most of our pools are around 25,000 gallons. I think that's the norm. A 35,000-gallon pool, we may construct five or six of those throughout the state on an annual basis, and those are mostly confined to the Artesia, Carlsbad area. They like the larger pools in that area. But in this immediate area 20,000, 25,000 gallons is pretty much the norm.

CHAIR VIGIL: Okay. Is there anything else?

MR. YATES: No, ma'am. Thank you.

CHAIR VIGIL: Are there any questions? Is there anyone else who would like to address the Commission? Seeing none, what is the wish of the Commission?

COMMISSIONER SULLIVAN: Madam Chair.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I would move for approval with the following amendments, and also to thank everybody for working on this. This is good since we haven't had really good guidelines on what to do. On page 3, Section 6, I would amend the last phrase to say, "and swimming pools shall not be drained for the sole purpose of painting". I think that was their language.

COMMISSIONER MONTOYA: That's page 3.c?

COMMISSIONER SULLIVAN: Page 3, item 6.c. On page 1, Section 1, I would include that this ordinance shall apply to – this would be after the EZ paragraph which we're already excluding the EZ from it. It would apply to lots of record or lots recorded prior to the enactment of Ordinance 1996- whatever the land use ordinance for that year. And then I would add a third paragraph under applicability that swimming pools of a volume in excess of 30,000 gallons shall be submitted to the Board of County Commissioners for prior approval. I use 30,000 because I was splitting the difference between the 20,000 and 25,000 that seems to be our average and the 35,000 for Artesia. And I liked your horse trough example. I think that comes out – I figured it roughly to about 27,000 gallons of water. It depends on what value you use for the water. I use 7.5 gallons per foot. But anyway, it's pretty close to 30,000. I think they sell it as a 30,000-gallon tank. So I just kind of split the difference on that. It seemed to me there wouldn't be much in this area more than 30,000 according to what the testimony was. So with those three –

COMMISSIONER MONTOYA: Second.

CHAIR VIGIL: Motion and second. Any discussion?

COMMISSIONER CAMPOS: Madam Chair.

CHAIR VIGIL: Commissioner Campos, then Commissioner Montoya.

COMMISSIONER CAMPOS: I'm not going to vote for this ordinance. We're talking about swimming pools which are really an out of date luxury. We can't afford them really, in the Southwest. We're talking about rivers, like the Colorado River having long droughts, the Rio Grande having long droughts. We're talking about mining the aquifer. This sends a wrong message, clearly. And the second issue here is we've met here five times already. We've spent too much time on a minor issue. A lot of resources from staff. I don't know how many hours they've met with these folks in the industry and it's not a major public

issue. It's a waste of time. So I'm voting against it; I think it's a bad idea. I think we should not have any pools at this point. I think they're outdated, an outdated luxury for the Southwest.

CHAIR VIGIL: Commissioner Montoya.

COMMISSIONER MONTOYA: Madam Chair, I too would just like to thank the staff and all of the people who participated in drafting an ordinance that I think definitely puts some stipulations on what was previously lacking. So I think this is going to at least set a clearer precedent as to how Santa Fe County will proceed in terms of any sorts of pools or potential pools that are being requested and permitted in Santa Fe County. So I think this was much needed and overdue.

CHAIR VIGIL: Thank you. I have a motion and a second. Is there further discussion? Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I might have a pool party this summer. So bring your boots because there's like about that much muck on the bottom of the pool and I can't drain it to clean it or paint it.

MR. ROSS: Madam Chair.

CHAIR VIGIL: Mr. Ross.

MR. ROSS: If I could clarify a couple things. First of all, I understand Commissioner Sullivan's amendments to the applicability section to consist of two paragraphs, one of which would make it clear that this ordinance only applies to lots created before the enactment of the Land Development Code. The second of which requires that this Board approve swimming pools whose volume exceeds 30,000 gallons. On the latter provision, Commissioner Sullivan, if I could make a suggestion that we have a Section 9, Processing, this is how we process application, and I would suggest you put your language under sub. a, Review, so that when people are looking to find out what they have to do they'll be looking at 9.a, Review, and that would be a good place to put the BCC approval requirement.

COMMISSIONER SULLIVAN: Makes sense, Madam Chair, and I amend my motion.

CHAIR VIGIL: Is the seconder in agreement with that?

COMMISSIONER MONTOYA: Correct.

CHAIR VIGIL: Okay. Any further discussion?

The motion to approve Ordinance 2007-1 passed by 4-1 roll call vote, with Commissioners Anaya, Montoya, Sullivan and Vigil voting in the affirmative and Commissioner Campos voting against.

[The Commission recessed from 3:25 to 3:45.]

XII. D. Matters from the County Manager

1. 2007 Legislative Session Update

CHAIR VIGIL: Who will be handling this?

MR. ABEYTA: Madam Chair, we'll have our lobbying team take the lead on this item.

CHAIR VIGIL: Okay.

RUDY GARCIA (PFMD): Madam Chair, Commissioners, with me today I have our lobbyist, James Rivera and Roman Maes, former State Senator. As you know we have about 18 more days left in the session. It's actually kind of coming a little bit to an end but it kind of isn't, in my opinion. We have already turned in all the bills. You cannot introduce any more bills to the legislature. All the capital requests have been done. Right now what we're working on is trying to get a lot of the bills that are actually on some of the finance committees or appropriations committees off of their tabled agendas so that that way we can hopefully get them into bigger budgeting bills.

Right now, as of Sunday, the Senate actually has roughly about \$2.8, \$2.9 million to spend for each Senator. The representatives have about \$1.8 million for the leadership, roughly about \$1.7 million for the other members. As I said earlier, those are actually all turned in by Sunday to the legislative council services, which basically means all the legislators turn in their lists of their projects that they want to fund for this year upstairs to the fourth floor. Some of the bills that are still moving through the legislature that are some big dollar items or that definitely do affect the County is the GRIP II bill, which is actually the New Mexico Department of Transportation bill. That actually has several County roads in that bill. Ex-Senator Roman Maes will pass out some information and when I turn it over to him he'll talk a little bit more about those.

There's a Senate Bill 710 which is roughly a bill that was introduced by the Senate, which is pretty much all the vetoes that the Governor did last year. They resurrected those bills and it's gone through the Senate as well as the House of Representatives and now it's on its way back up to the Governor's office. We roughly have about \$2.2 million in that bill. Once again, we'll pass out some information on that and answer any questions on that.

There's also another bill, Senate Bill 826, which is a reauthorization bill. There's been a lot of reauthorization projects that the County actually has worked on this year that we did receive money from previous legislative sessions that we needed to get them reauthorized. That bill is Senate Bill 826. We're monitoring that bill real closely.

We actually have one of our Senate Bills is 580. That's the sole community provider that roughly provides money to the County for the St. Vincent Hospital issue which you all are familiar with.

We have a few other bills that we're actually looking at. A New Mexico Finance Authority bill, we're actually looking to make sure that the Buckman Diversion project does stay on that New Mexico Finance Authority bill. We're actually looking at the Pojoaque Valley wastewater/water funding to make sure that it hopefully does get placed on that bill.

Once again, the DWI bill is a bill that's been tabled. We're trying to get that off of the tabled list. Some of the reasons those are being tabled is because these bills that take money, they take it from the legislators general fund and that's kind of hard to take money

from the general fund, so we're trying out best to get those bills moved off of the table.

There's also the gaming revenue sharing bill that James Rivera here is working on. He actually will go into a little bit more detail about that. And with that I'd like to turn it over to ex-Senator Roman Maes here to pass out the information that he has. Some of the bills we talked about or I can answer any questions that you all have.

CHAIR VIGIL: Any questions for Rudy? Thank you, Rudy. Senator Maes.

ROMAN MAES: Good afternoon, Madam Chair and members of the Commission. I'm handing you basically some information that I think is rather relevant to the Commission and I think you'll get a better understanding of where we're at on these projects. Senate Bill 710 is still very much up to negotiation. Originally, for example - well, if you look at the Senate Bill these are marked items that are Santa Fe County programs. Also, the items vetoed during the previous session, and then new programs being initiated by Governor Richardson. The estimated financial impact we figure is about \$2,260,000. The estimated projects are about \$12 million.

If you notice also, the judicial complex, which is one of our major priorities is down to \$800,000. That's on page 70. And what I did is I pulled only the pages of Senate Bill 710 so that you could identify Santa Fe projects only. We're down to \$800,000. Originally, when the bill was originally submitted it was up to \$1,950,000. So we're down to \$800,000. And the reason is this is an ongoing type of bill that basically is modified on a continuous basis. I understand the Governor is going to add a few dollars more so as a result more projects will occur, and that's where we're at on Senate Bill 710. I'm getting mixed messages on Senate Bill 710 also. There's a good possibility the House still wants it back and the Senate again is trying to modify some of it.

If I may, I'd like to go to the second part, the 2007 GRIP II projects. This is basically what was given to me last night by the Association of Counties. Rudy has another document that contradicts this so this is a work in progress, if you don't mind. Again, the GRIP projects are primarily directed towards local projects, both City and County, and also some statewide projects related to roads, bridges and things that deal primarily with transportation.

The third document that you might want to take a look at is the Santa Fe capital outlay. I brought this to your attention because right now there's 50 pages on the website with 964 projects related to Santa Fe County. Now this relates not only to state, city, county and public schools and that's basically - gives you an idea of the competition we have. We have a lot of people who want their individual projects that are approaching the New Mexico legislators, mostly in our district, with regard to their private projects. We have projects related to recreational structures to road structures, to sewer projects to senior citizens so that just gives you an idea of the competition we have in front of us during this legislative session.

I can tell you that we've worked real well with staff. I know that Steve Ross and I had been working on several projects, not only with economic development but also the jail issue. We have about four bills related to incarceration of prisoners, primarily state

prisoners and the reimbursement. Representative Miera has a bill that would basically allow you more taxing authority to tax the general public for state inmates. I'm surprised how that's picked up steam. I thought it was kind of a Catch-22. We were hoping the state would pay us and instead we're paying the state.

COMMISSIONER CAMPOS: Is it additional GRT, Senator?

SENATOR MAES: Yes.

COMMISSIONER CAMPOS: He wants to give us additional GRT taxing authority.

SENATOR MAES: Additional GRT and also some power to levy some more dollars in property tax. Senator Lopez has a pretty decent bill that would require payment. I was hoping that the Association of Counties would have stayed with the mandates from the Supreme Court because I think we could have really gone after a mandamus and required the state to pay us, but instead we're trying to cooperate with the state for payment purposes. It's seen by some people to give us \$5 million, possibly \$20 million. I don't think that will ever happen. I think you're looking at a maximum of \$5 million if any is given to the local counties, and then we're going to fight over the distribution.

Let me jump to another issue, that sole community provider. There is no money presently in the budget in House Bill 2. We've got an amendment going in for \$1.2 million and another one for a total of \$3.5 million. I can assure you it's been almost a constant with the Governor's office, trying to get some money. I know Pamela Hyde has made every effort to work with us. Dan Weeks, Alex Valdez, we're trying our best to get money back but it seems that most of those dollars are out. We've been somewhat criticized at Santa Fe County that Santa Fe Hospital is the only one that is asking for some monies.

The dilemma that we have, Commissioners is the fact that I think north central New Mexico relies on St. Vincent's so you're getting a multiple hit from several counties. Maybe eventually you can work with your attorneys to see if we can require some form of monies to come from various counties that do have patients at the St. Vincent's Hospital. The dilemma is - and I'll give you an example. A person is brought by ambulance to a hospital, let's say in Las Vegas, New Mexico. Immediately the nurse or the doctor comes out and says, well, that requires a specialty; send them to St. Vincent's. So the result, that's the hit. Immediately they come down.

Most hospitals in north central deal primarily with very routine matters. No surgical procedures at all or specialized procedures, so that's where it comes in. Indigent funds are limited. As you know the [inaudible] was hit with a \$1.2 million bill last year. I don't see the liability of the County but it's there. Apparently they've already sent you a bill, and that's being argued back and forth that the County has no liability, which I don't think we do. Quite frankly, I think somebody's going to have to swallow that \$1.2 million. I hate to put it in that term but basically, that's what I see.

We have other bills, but a lot of this is primarily on a tentative basis. Things change between now and the 17th of next month. Things will change, I can assure you, from

House Bill 2. We've got a House Bill 2 but it's got to be moved or shifted from the district courts to Santa Fe County. But otherwise, I think we're in pretty decent shape. I don't know where we're going to land with regard to capital outlay in our priorities. The dilemma that we're having is that Pojoaque water project is requiring over \$2 million. Cañoncito, likewise, requires \$2 million. The Santa Fe wells is another \$2 million, and quite frankly, it's quite difficult to get monies from each individual legislator. Too much of it has to come out of the Governor's capital outlay or statewide project. That is kind of under secret information at this present time. Nobody knows what direction that's going to go. As soon as I know, I can assure you, you will know. That pretty well concludes my report.

CHAIR VIGIL: Thank you, Senator Maes. Is there anything you'd like to add to that, James?

JAMES RIVERA: Madam Chair, Commissioners, thank you, yes. There's a couple of items. One is the state transit fund and the other is a gaming revenue distribution fund. The gaming revenue distribution fund is money that could be turned from the general fund to the County for services of police, fire, animal control and things to that nature. That bill currently right now, it's tabled in Tax and Rev. Let me point out that Commissioner Montoya stood before the committee on compacts and gave a real good presentation on the needs for that and prior to his presentation, several municipalities and tribal entities who supported that also gave testimony in support of that.

I know there are some legislators who are trying to figure out a way or trying to work that part into the compact negotiations but I don't think that's going to evolve. Not for that.

The transit fund, that's a fund that the NM DOT supports. All the regional transit districts support. And right now, House Bill 901 and Senate Bill 854 which is the companion bill – House Bill 901 is currently on the House floor for passage over to the Senate and that bill is a \$2 million bill to go to the state transit fund. And there's also another bill that is out there right now which is Senate Bill 1265 which would – it's a mechanism to create the transit district funding. So at this point that's my report for you on those projects.

CHAIR VIGIL: Thank you, James. Are there any questions? Hearing none, we can move on.

COMMISSIONER CAMPOS: Madam Chair.

CHAIR VIGIL: Is this on the legislative update?

COMMISSIONER CAMPOS: Yes, just general information from Senator Maes and maybe some input. It looks like, Senator Maes you said that Representative Miera is proposing to allow the counties to have additional GRT authority to pay for state prisoners. So he wants us to impose the tax to pay for his prisoners? Is that what it is?

SENATOR MAES: That's what the bill is and what's really surprising is the Association of Counties endorsed it and I was really surprised because basically, the whole burden is on the state and now they're transferring the burden back to the County with

regard to your ability to increase more tax. That is really difficult. One thing I will tell you, Commissioner, is the fact there are about four bills out there. I don't know where they're going. Half of them are either stuck in committee, some have crossed over, but again, it seems that a good portion of them are geared toward Bernalillo County to fix their problem.

The dilemma is that we're getting part of that problem. The Miera bill basically came from - Representative Miera's bill came from Bernalillo County, but now all of a sudden the Association is endorsing it and it puts you in an awkward situation because know exactly where you're coming from. I think the state should assist us with regard to dollar amounts.

COMMISSIONER CAMPOS: Do you think the Miera bill is getting momentum?

SENATOR MAES: Yes. Oh, yes. It's already on the Senate side.

COMMISSIONER CAMPOS: So it's likely to be enacted.

SENATOR MAES: The likelihood of it passing the Senate is good based on the fact that the delegation from Bernalillo County is so huge and they want to fix their problem. We've discussed this several times and that's where we're at on this. I was hoping that we would deal with Senator Lopez' bill that also imposes a dollar amount. My confusion is the Supreme Court ruling that said pointblank the state has got to pay for its inmates. There's no question about it. And I think we tried to compromise by asking some legislative intent to assist us before filing the mandamus requiring the state to pay us. But as I read it, and I think Steve will agree with me, it's real clear. The Supreme Court has ruled. The state is responsible for payments.

COMMISSIONER CAMPOS: So from what you say, what I'm reading is there's not much we could do here as a County to lobby or to try to change that course. Is that a fair reading?

SENATOR MAES: The dilemma that we have, Madam Chair, Commissioner Campos, is the fact that if Santa Fe speaks up it seems that we're not part of the group. We haven't spoken up. I've been silent on it. I've requested various - and many times we're better off being silent because we don't know what direction we're going at this point in time. We're not getting any money. There's only one bill that requests money, and there's another bill that doesn't request anything. It just requires, requests payment by the state. We already have that through the Supreme Court decision, so it's a mixed bag.

A lot of it is geared towards relieving Bernalillo County and it's problems. As I understand from the staff, we're paying 24 percent of our budget on that jail that we have.

COMMISSIONER CAMPOS: For state prisoners?

SENATOR MAES: Well, it's a mixed - the large portion is state prisoners, yes.

COMMISSIONER CAMPOS: And the Association of Counties, Mr. Abeyta, do you know what position they're taking or what's going on there and why?

MR. ABEYTA: Madam Chair, Commissioner Campos, I don't know. I think they're trying to help out Bernalillo as much as they can because the City of Albuquerque isn't paying anything for the inmates that are going to Bernalillo Detention Center. Their problem is much, much worse than our. So I think the Association is trying to help them to address their problem.

COMMISSIONER CAMPOS: Madam Chair, does it seem that - certainly they're not helping us.

MR. ABEYTA: No, it's more geared towards Bernalillo.

COMMISSIONER CAMPOS: And just about all the other counties are more in our situation than the Bernalillo County.

MR. ABEYTA: We're more fortunate because we have an agreement with the City of Santa Fe.

CHAIR VIGIL: Commissioner Montoya.

COMMISSIONER MONTOYA: The Association has taken the position that we're seeking the allocation. I believe it's a \$5 million allocation that's being supported. I haven't heard, and I don't know - maybe Commissioner Anaya can update us - but I hadn't heard that the Association is supporting Bernalillo County on the increase on the 1/8 on the gross receipts tax. Did the executive committee act on that, Commissioner?

COMMISSIONER ANAYA: No. We did not take any stance on supporting Bernalillo on the 1/8.

SENATOR MAES: Because they've gotten up on several occasions and supported this, and that surprised me.

COMMISSIONER ANAYA: The Association of Counties has?

SENATOR MAES: Absolutely.

COMMISSIONER ANAYA: On the 1/8 for Bernalillo County? Then I'm not aware of that.

SENATOR MAES: See, the dilemma that we're having is that it's a statewide program; it has statewide effect. The dilemma is that Bernalillo is the one that's really hit pretty hard and then Santa Fe County. The dilemma that we're also having is that we're north central - does that make sense? And we're seeing many of the problems coming in from north central New Mexico into Santa Fe County. Not only hospital-wise but with regard to your jail system.

COMMISSIONER MONTOYA: Madam Chair, I would concur with Commissioner Campos. I do not favor us getting the ability to impose another tax. That's just passing the buck for their responsibility for what they should be paying so we can again tax our citizens. It's a state issue; it's not a County issue and I would suggest that we oppose that. I don't know how the other Commissioners feel about that particular bill.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, thank you. I guess, Senator, I'm a little confused. I know that the Association was pursuing House Bill 316 to get funded for \$5 million for the total Correctional Departments in all 33 counties or

whichever counties have correctional facilities. Now you're saying that the legislature is throwing it back on us and telling us to implement the 1/16?

SENATOR MAES: That's part of the bill. That's Representative Miera's bill.

COMMISSIONER ANAYA: Okay.

SENATOR MAES: And I don't see it ending there. My figure and the figure they gave me was \$26 million a year statewide impact, that the state is really saving and you're getting hit for it. Five million is not going to go very far. I think they gave us - how much did they give us last year, total? \$150,000? \$200,000? It wasn't much.

COMMISSIONER ANAYA: I believe that why the Association of Counties is pursuing the \$5 million is because we've been at this for five years and we haven't received nothing. So now, if this goes through, at least we'll receive the \$5 million but I wasn't aware of the other 1/8 or 1/16.

SENATOR MAES: I would have preferred that we just stayed the way we were and enforced the court ruling. I think the Supreme Court was very clear. The Supreme Court ruling that came down, it said - am I correct, Steven? That the state was responsible for payment of their inmates in county facilities and it was never enforced at this point. It came out, what? This summer? And that's where we're at on this. I think a lot of legislators basically wanted the Association to compromise. They didn't want enforcement. They probably felt they didn't have the money so we were hoping a compromise situation would occur. But if the County gives me instructions to say that Santa Fe County does not support that it would be a pleasure to give your response.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Senator Maes, are you saying not support the 1/16?

SENATOR MAES: Well, if we remain silent, Madam Chair, Commissioner Anaya, we're kind of acquiescing to the situation. We sit there and we hear the whole committee hearing and they asked pointblank, is anybody opposed or in favor of this bill and we just sit there. The general concept is if we're not getting up and opposing it we more or less support it. That's a dilemma. It's really a dilemma.

COMMISSIONER ANAYA: So the question you're asking is do we have other permission to not support the one -

SENATOR MAES: No, I think it's there to raise a concern and you can raise it in committee. To say that Santa Fe County has a serious concern about raising a dollar amount to the taxpayers when it's basically the state's problem is a bit unfair. And we could just raise that concern. We don't have to say we oppose it or we favor it, but if I have instructions to raise those concerns it would be a pleasure to do so.

CHAIR VIGIL: Are you nodding those would be your instructions, Commissioner Anaya?

COMMISSIONER ANAYA: Yes, I have concerns of raising taxes in Santa

Fe County.

CHAIR VIGIL: Okay. I think we have two other Commissioners who have expressed that concern. Commissioner Campos.

COMMISSIONER CAMPOS: Is this 1/16 for the whole county, including municipalities, or just county residents? Because if it's just county residents –

SENATOR MAES: I don't know. I know they just want to give you that authority to raise it. I don't know the specifics on that.

COMMISSIONER MONTOYA: All it's doing is expanding the percentage on the existing statute.

COMMISSIONER ANAYA: So it's just county?

COMMISSIONER MONTOYA: It's countywide.

MR. ROSS: The County corrections gross receipts tax that was enacted, what? a year or so ago? That's the whole county, not just the unincorporated areas. That raises quite a bit of money.

COMMISSIONER CAMPOS: Okay. Mr. Abeyta, what you think our strategy – I really dislike the idea that Miera is proposing. It seems that the association is behind it or at least supporting it.

MR. ABEYTA: Madam Chair, Commissioner Campos, the discussion and the direction that I think has been coming from this Commission, not just on this issue but other issues is that the state is just passing down their problem to you guys and putting the burden on you guys to impose taxes and raise taxes.

COMMISSIONER CAMPOS: What alternatives do we have? It's a revenue question. We're thinking that the revenue should come from the state general fund and they're saying, no. You guys just tax yourself and pay for it.

MR. ABEYTA: Madam Chair, Commissioner Campos, a solution or a potential avenue is eventually we don't take state inmates in our facility anymore.

COMMISSIONER CAMPOS: Could we do that?

MR. ABEYTA: Right now we couldn't, but eventually we're going to have to look at that as a county anyway as our population grows, both city and county. We're going to have to phase out the state anyway unless we were to add on to our facility.

COMMISSIONER CAMPOS: We have a contract with the state right now. They do pay us for people who are inmates at their facilities, but we're talking about a lot of people who are violation of parole or who have been picked up and held for a long time. That's where the cost is. Now, could we reject these guys? Are we required to take them by statute?

MR. ABEYTA: I don't know if we're required to take them by statute or not. That is something that we'll research. I don't believe we are.

SENATOR MAES: Madam Chair, Commissioner Campos, they are working on a definition of inmate and I think the categories of probation violators and being able to let them out sooner, it goes on and on.

COMMISSIONER CAMPOS: Do you have a recommendation as to what

we should do about the Miera bill? Because I don't like it. I don't like the whole idea.

MR. ABEYTA: Madam Chair, Commissioner Campos, I think that's a Commission decision. You are the ones that get stuck having to impose the tax.

COMMISSIONER CAMPOS: What is your opinion?

MR. ABEYTA: My opinion is these are state inmates, that they're the state's problem and I don't think the burden should be put on counties to house these inmates.

CHAIR VIGIL: Thank you, Commissioner Campos. And I would just chime in to say that I think we could raise a concern and I think probably we could also recommend that if this is intended to remedy a Bernalillo County problem then perhaps the statute could be framed to create an exception for only Bernalillo County and not necessarily all Class A counties. But perhaps there are other counties who are needing this. The smaller counties not necessarily because their GRTs don't create that much funding, but I think it is important for us to raise the concern with regard to that, particularly Santa Fe County because we have been very proactive in GRTs and it would be very difficult and our residents voted those GRTs in. It would be very difficult to go back to them for another GRT. I think that concern should be raised. And it might be good for our Finance Department to give our lobbyist the background information on the GRTs that we have enacted and perhaps even the most recent ones so that that would assist you in your testimony.

SENATOR MAES: I promise to be very diplomatic, Madam Chair, on my statements, just saying that we have concerns, passing the buck really, to the County Commissioners to raise taxes when it's a statewide problem and it's a state problem.

CHAIR VIGIL: Thank you.

COMMISSIONER CAMPOS: I'm not sure about diplomacy at this point.

COMMISSIONER MONTROYA: And if maybe, Commissioner Anaya, because he's on the executive committee could maybe let - I don't think the association should be supporting Bernalillo County with that.

COMMISSIONER ANAYA: I had no idea, Madam Chair. I had no idea they were doing that. I was about ready to make a phone call to see if they're doing it, leave me in the loop at least.

COMMISSIONER MONTROYA: Yes. Exactly.

CHAIR VIGIL: Okay. I think you have a sense of direction. We're going to move on to the next item on the agenda and before we do I would just like to ask Roberto Gonzales from Lordsburg who I believe is here for the legislature. He's a city councilor there who came by to visit us. Would you please stand. Thank you, Mr. Gonzales for being here. Appreciate visits from other elected officials throughout the state. Let us know if Santa Fe County can work with the southern part of the state in any way. Thank you.

XII. D. 2. Santa Fe County Strategic Plan
a. Plan Overview [Exhibit 2:Strategic Plan Presentation]

MR. ABEYTA: Thank you, Madam Chair. Beth mills will present the plan overview, then I will take the lead on the request for direction and possible action regarding water and wastewater projects, road projects, and then I will also discuss with the Commission a proposed reorganization for Santa Fe County.

CHAIR VIGIL: This is a lot of stuff. Beth, you're on.

BETH MILLS (Strategic Planner): Good afternoon Madam Chair and Commissioners. It is a lot and it's late in the day, I know. I wanted to give you an overview and you can follow along with the printed slides from the power point if you'd like. You helped work on the strategic plan, many of you and senior staff in particular, all last year, and much of this, what you're going to see today came out of that work. And then additionally, there are some items that were further synthesizing the materials that I received from folks who have been working on this last year and sort of an elaboration of what I saw after beginning to look at the process in November.

I'm not going to spend too much time on why we need to look at the strategic plan in the slides I have here entitled time for a change because you know better than any of us that this is something that we need to do. But I will mention the tremendous growth that we've been experiencing. The projections were something like three percent annually, just within the EZ for the years 2002 to 2010. Our status as a Class A county - meaning an evaluation of - I think the last time I looked at the statistics was when we were given that designation it was \$3.8 billion dollars and so forth and so on. We're at a point where we really need to begin to look at doing business differently. The addition of the jail was a tremendous strain on the County, adding over 300 employees, the changing demographics of the County, the threats that we're seeing in our rural areas because of sprawl and problems with water.

And then again, the technological advances that are coming out of that really could afford us tools to deal with some of these problems. So given all that, the work that you did last year in bringing forward County Resolution 2006-58, which instructed staff to go ahead and work on the strategic planning process. The mains points there being you wanted to look at a prioritization of projects to inform the budgetary process, an internal reorganization to support implementation of the strategic plan, and then an attempt at taking on this very difficult challenge of integrated growth management planning.

The vision statement that came out of the work that was done last year focused on making the County government accessible and responsive to its citizens. The work environment will be nurturing and supportive and County facilities will be adequate both staff and public needs, integrated growth management planning will ensure that all citizens are adequately served and that resources are carefully managed. Modern information technologies will assist in making good policy decisions and will assure public access to County information.

And then again, everyone last year worked through these values that should be guiding the strategic plan. The service to citizens of Santa Fe County at the center of what should guide, what should be the primary guide for the work, and then again, these other elements that keep reappearing and are reiterated about integrated growth management planning, adequate facilities, adequate water resources that are managed well, well trained staff, and then again, this recurring theme of current information technology.

So the strategic plan was really broken down into an internal analysis that looked at some of the items that are in a day-to-day way often invisible to the Commission and that is things that make the County organization work, make it tick. They fell out of the analysis – the support services, internal support services to staff. So as a result of looking at the internal analysis there were a series of action items that came out of these subcommittees that worked all last year. In terms of the date, technologies and information resources, what fell out as action items after the analysis was that we need to fully staff our IT division. It's chronically understaffed. We can't keep people. We're not paying them enough.

We should designate or construct a training room. We should update and interface GIS and business applications. This was the recommendation to move towards EGIS. We should house GIS and IT staff together in the same department or cluster or however the reorg would like to refer to it but those two sets of staff should be housed together.

The action items that came out of the work that the workforce development subcommittee did were to streamline professional action forums, build a satellite office program, implement a new payroll service. This is one item that has quite a large dollar sign attached to it, the new payroll. Identify a facility and staff for a daycare center for children of employees. Create workforce housing opportunities for County employees.

The facility subcommittee that worked last year came up with these action items or actually, I rather edited their action items, and that is to define processes to support ongoing projects, secure funding for administrative cost and long-term maintenance for facilities. So this is the idea of planning five, ten and fifteen years out. And attempt at least to do that for projects. Build the judicial complex, allocate space and new facilities at the judicial complex and public works building. Establish appropriate satellite offices. This is another recurring theme. Conduct space needs analysis for corrections and work with the City to secure parking.

In terms of internal operations – and this is the work that was leading towards the reorganization discussion that the County Manager is going to have with you. We began to look at essential services, those services that the County is mandated to provide – fire and emergency, the Assessor, the Clerk and so forth. Core services, that is ones that are extremely important to the well-being of citizens, and then again, these internal support services, the ones that I mentioned earlier are oftentimes invisible to the Commissioners.

As a result of our looking at the structure of the services that the County offers in that light, this fell out: the idea that we need to reorganize in a way that groups people who work on infrastructure and growth management together. Somehow we need to cluster

these people together. There's a planning element to this and there's an implementation element to it, but the current departments that are involved, the Public Works, projects, utilities, water resources, land use and open space. These departments interact with the Clerk and the Assessor's office. So the idea would be to somehow allow greater cooperation by clustering these people together.

A second group has to do with community services. These are people who work for health, corrections, fire and teen court. They regularly interact with the Sheriff's office.

The third group, and this is something, a concept that I think the conclusion is we should move on quickly, is an Administrative Services Department. My read on this, and the County Manager has refined this, I'm sure but is to group services like Finance, Information Technology, GIS, with maintenance, fleet, general services and human resources, together in some format. These people regularly interact with the Treasurer and the Assessor.

So we had all these action items from these different subcommittees and what I did was provided an analysis that had a matrix and there's a larger document. I'm just trying to give you the overview, that tried to look at where all these various action items from the subcommittees intersected so that I can give you something in a nutshell. So my suggestion is this, a synthesis of the internal actions for 2007.

There are four action items in the end from those subcommittees. One is a satellite office program should be initiated and evaluated. We've done this with the Pojoaque project but the recommendation would be to really focus on this and devote resources, because the department's facilities, IT, Land Use and the Clerk are all, I would assume, need to be involved in this and to set up some sort of way to evaluate how this is working and whether we need to extend this and where.

The second point would be to complete space allocation plans for the new judicial complex, new Public Works building and adjusted space allocations for existing buildings. And this would include a training room/library and a space for daycare facilities within the plan. So in other words, as we move towards looking at the new judicial complex and the Public Works we need to keep in mind these needs that came out of the other analysis in our space planning.

The third is that information technologies should be fully staffed and expanded. We need to put a lot of attention into that department. It's quite frankly failing. I think everybody recognizes that.

Number four is that County reorganization should be completed and as part of completing that we need to create an Administrative Services Department that includes IT and GIS, and group staff who work on infrastructure and growth management in one department under the same leadership.

Now the external analysis is something that is very ambitious in terms of its recommendations. It's an attempt to give a little bit of structure to this idea of integrated growth management planning. Again, growth management planning is a strategic planning tool that addresses the timing and phasing of development. It requires - to do this kind of

planning it requires that Water Resources, Utilities, Open Space, Public Works, Emergency Services, and Land Use work together, hence the integrated part of it. There's got to be a high level of communication and shared focus for these departments to do growth management planning.

And finally, the action items have to be tied to infrastructure funding opportunities, which of course is the challenge today and continues to be as we deal with the budgets. So finally, I believe there are seven points I wanted to put out there as action items. With the help of County planning staff, it might begin to give structure to how we are to proceed with planning. The first is to tie County land use planning to water resources, utilities and transportation planning through an internal reorganization. Hopefully we are going to be moving at least a step or two in that direction very quickly.

Support the Regional Planning Authority's decisions on annexation. We need to really focus and give our support to the work that those of you who are sitting on the RPA and to the planner who's working with the RPA, and ultimately to eliminate the EZ. That seems to be the direction. If there can be agreement on annexation, the next step should be to eliminate the EZ. Adopt a directed growth management strategy for the identified areas immediately south, north and west of the city and again, I have, in the more detailed document I have maps and so forth that suggest exactly the extent of these areas.

Examine and adjust the County water service areas and allocation of County water to support the directed growth management strategy. Somehow we have to begin to tie this, the water resources and the allocation to those folks who are working on land use planning.

Assess the emergency services needs, solid waste facility needs and road maintenance demands in the county portion of the Española and Edgewood natural areas. We heard this discussion a little earlier today and there needs to be planning attention to decide what course we should take in terms of evaluating exactly who's serving what and what the needs are there and how best to proceed with those incorporated areas.

Define a conservation area in the Galisteo Basin in cooperation with people who are already working out there, Watershed Partnership, and other public agencies.

And finally, implement a rural land development process. This, I should add, should most conveniently be tied to the Code rewrite. That supports working landscapes and minimizes impacts to watershed capacity, wildlife, cultural resources and views for ranches and large acreages in transition. When you look at the visual that has the box in the middle with the draft strategic plan and final strategic plan, this is an attempt to tie the work on the left that I've just gone through that went on last year to the budgetary process on top and the ICIP plan and the legislative process to show that these different things need to interact, the results being the actions and the strategic plan on the right, most of which I've outlined for you already just now.

Finally, I want to bring your attention to the strategic planning calendar because we're behind this year if we're actually going to proceed with this whole sort of process. We're kind of out of whack with the calendar because we're trying to institute this strategic

planning process and it's not quite there yet, but in an ideal world in September there would be a retreat where appropriate staff and the BCC would look at the state of the County report, similar to retreats that have happened in the past, and look at the progress at the previous year's short list from the actions from the previous year's strategic plan, and agree on the goals and projects for next year. In October you would need a staff member to actually draft the strategic plan and get it adopted from the work that had been done in September.

November through January each of the departments would need to develop their own work flow and goals given a template, working off of the strategic plan, and then in late January, the strategic planning orientation for new Commissioners, because you couldn't just drop down into the middle of this without a little bit of help from staff, bringing people up to speed. And then in February, build the budget based on the strategic plan. Wouldn't that be great? I think it would. That's quite a goal. And in March there would be a short retreat following the budget review. We'd view the progress and identify what needs to be done before the end of the year.

And then most importantly, throughout the year, staff reports, when they come to you, and for Board of County Commissioner presentations should indicate if a proposal is consistent with the strategic plan, if you continuously have checks on where you are in relationship to what you decided the previous fall.

So that's it. I'd be happy to answer any questions if you have them.

CHAIR VIGIL: Questions for Beth? Seeing, hearing none, Beth, thank you very much for your presentation. Commissioner Campos.

COMMISSIONER CAMPOS: I know Beth is leaving the County and I want to thank you for all the great work you've done.

MS. MILLS: You're very welcome. It's been a pleasure being here.

CHAIR VIGIL: When is your last day?

MS. MILLS: The ninth.

CHAIR VIGIL: You've been a delight to work for. We wish you the best in Colorado.

COMMISSIONER ANAYA: Thank you, Beth.

COMMISSIONER CAMPOS: Don't stay away too long.

COMMISSIONER MONTTOYA: Madam Chair.

CHAIR VIGIL: Commissioner Montoya.

COMMISSIONER MONTTOYA: In terms of fully staffing the IT Division, what are we talking about in terms of how many?

MS. MILLS: You definitely need a whole systems administrator. Right now we're functioning without one. The position that Gavin used to fill.

COMMISSIONER MONTTOYA: We haven't filled it yet?

MS. MILLS: No. And that's the person who organizes the entire system. We don't have it. The next position that should be filled is the database administrator who is working strictly with the organization of the data and that's going to be necessary if you

want to even begin to move in the direction of EGIS. And then finally, there's probably two or three positions at the desktop level, just that sort of service. So I would start with the administrator.

COMMISSIONER MONTOYA: Desktop level?

MS. MILLS: Yes. People who respond to your work orders, that can come around. But the key one right now, I believe is the systems administrator, and then followed by a database administrator.

MR. ABEYTA: And Madam Chair, if I may add, we've had two vacancies. We've advertised. We've even come to the selection of candidates but we are severely underbudgeted for those positions like about \$20,000 or \$25,000 a year.

COMMISSIONER MONTOYA: For each position?

MR. ABEYTA: For those positions. We are way under budget so we can't attract candidates because of that.

COMMISSIONER MONTOYA: So we need about \$50,000 just for those two positions.

MR. ABEYTA: Just for those two positions.

COMMISSIONER MONTOYA: Now, is this under the #3 update and interface GIS business – is that – and then also the IT. Is that all part of the Weston study?

MS. MILLS: The interface between the business systems and the spatial data, the GIS, that is part of what was described in the Weston study, yes.

COMMISSIONER MONTOYA: And we need about \$50,000 for that.

MR. ABEYTA: Madam Chair, Commissioner Montoya, yes. We have amounts. The Weston study proposed phases and we have one phase of about \$50,000, then there's an FTE phase that will be over \$100,000. So we have that broken down in a study and we're looking at it, myself and the Finance Director, to see how we can implement that Weston study.

MS. MILLS: Commissioner Montoya, I want to emphasize that there's really – at this point we shouldn't invest in the migration to EGIS until we get IT fully functional. There's really no point. So hence the getting IT staffed and functional is the priority before we can make that next step.

COMMISSIONER MONTOYA: It would sure be nice to have all the equipment and everything we need but we need people to run the equipment is what you're saying.

MS. MILLS: It's really the human resource at this point. Big time.

COMMISSIONER MONTOYA: Okay. And then what's a new payroll service?

MS. MILLS: It's the way that Human Resources pays us, figures out the time sheets and it's apparently still done by hand and very time consuming. It's not modernized.

COMMISSIONER MONTOYA: So do we need a new service or just to

update Excel or Microsoft Outlook?

MS. MILLS: I don't understand the details of it. Bernadette probably would understand it quite well.

MR. ABEYTA: Madam Chair, Commissioner Montoya, we don't even have any electronic form right now. It's all done by hand. We're looking at how we could integrate it into our existing HTE system so that it would be compatible with what Finance does. But we need to look at the HTE system also because we're looking at a camera system. So this next year we're going to focus on the information technology for Santa Fe County. It may be time to bite the bullet, make a big investment in a whole new computer system for Santa Fe County. So that it incorporates both a new camera system for the assessors, a time-sheet time keeping system Countywide and the other needs that we have. But I think it's time that we look at that. But like Beth said, until we get the positions filled, it really doesn't do us any good to have a system without people to operate and maintain it.

COMMISSIONER MONTOYA: And then on the allocation of space in new facilities at the judicial complex, what are we talking about there? Allocation of space for additional County staff or just for judicial complex or judicial staff? What are we talking about?

MS. MILLS: Commissioner Montoya, I think the problem is there is no space allocation plan right now, so that Facilities and Projects people need to be able to sit down and plan that out and figure out what they're going to do with the space that's vacated in the old judicial buildings and so forth. So that's going to take a fair amount of staff time and energy to actually just do that planning. That's what I meant.

MR. ABEYTA: Madam Chair, Commissioner Montoya, now that we do have the work starting on the new judicial complex, that is kind of phase two, is space planning for the existing building, once it's vacated and we've been really clear with the Commission that we want to tie that into the whole judicial complex project. We don't want to put all our eggs in one basket so to speak. We want to make sure there's still money available to address the Countywide needs after the new judicial complex is built. So that is something we're going to focus on in these next 12 months also.

COMMISSIONER MONTOYA: So I guess then in terms of the judicial complex, that's only going to serve judiciary functions then.

MR. ABEYTA: Yes.

MS. MILLS: I would assume so.

COMMISSIONER MONTOYA: That's it. Okay. That's all I had. Thank you, Madam Chair.

CHAIR VIGIL: Thank you. If there are no further questions, are you looking for a sense of direction on this?

MR. ABEYTA: No, Madam Chair. The direction is going to come now under items b and c. I just wanted to give you all an overview of the strategic plan and now you'll see the second slide that Beth handed out has prioritization of projects, so the

projects we want to start with is water and wastewater and roads today, and that another session we'll talk about projects, CIP projects, and then countywide projects.

XII. D. 2. b. Request for Direction and Possible Action Regarding County Projects
i. Water/Wastewater Projects [Exhibit 3: Projects List]

MR. ABEYTA: So the County Attorney is passing out a condensed version of the presentation we had made last Wednesday to the Commission. Last Wednesday's presentation to the Commission had all of our projects – Water Resources, Public Works, County Manager/Countywide projects, fire projects, and PFMD projects. This handout now focuses on water projects and road projects. If you'll turn to the third page, which is Santa Fe County water projects, I have outlined and indicated last week, you'll see that we have total available for water projects is \$69,043,000, but when you take out what's going to be required for the Buckman Direct Diversion project, you'll see that total funding available after the Buckman Direct Diversion project is \$9,543,000 of that original \$69 million.

The total cost of water and wastewater projects that we have, that we've been looking at is at least \$15 million and could be as much as \$67 million, depending on Edgewood and Eldorado. At the meeting last week the Commission talked about criteria for funding water and wastewater projects. Myself and Dr. Wust, we took the information that the Commission gave us, such as leverage, such as state or federal matching funds, health and safety, project readiness, the people being served, construction started, and we just added five points for each criterion for a total of 25 points possible.

Now, Dr. Wust and I went – just as an exercise we took the criteria the Commission gave us last week and we started looking at the projects. Based on the criteria, you'll see that the County well program, the Valle Vista water system upgrade are probably the two highest scoring projects when you apply the criteria. After that is the Valle Vista wastewater project which gets 20 points, the Valle Vista sewer line is another 20 points. Pojoaque Valley wastewater, 20 points, Chimayo Mutual Domestic Well-users Association 15 points. Cañoncito gets ten points.

We stopped at that point because we reached over \$9 million. So again, this was just an exercise that Dr. Wust and I did. They aren't the priorities that we're recommending to the Commission. That's the point of this discussion today. We just wanted to show you how the criteria would work for some of the projects. So what staff is requesting at this time is the Commission has the list of projects in front of them and we would like the Commission to prioritize the projects so that at least \$9.8 million worth of projects have been prioritized so we can get working on those. Myself and Dr. Wust stand for questions.

COMMISSIONER MONTTOYA: Madam Chair.

CHAIR VIGIL: Commissioner Montoya.

COMMISSIONER MONTOYA: How did you only come up with 15 points for Chimayo?

MR. ABEYTA: The points that were allocated for Chimayo is 5 points for leverage, because they've got other funding, 5 for health and safety, and then 5 for people served. We didn't know - we don't have an MOU approved yet by the Board but the association has approved the JPA, I guess, and they were asking for approval from the Commission today. So if they were to be approved there would be more points that would be added.

COMMISSIONER MONTOYA: And then construction has already started also.

MR. ABEYTA: Construction has started - the discussion Dr. Wust and I had was if it was County construction that had started. That's what we meant by construction started, if the County has already started. And again, these are just criteria that the Commission gave us last week. We could add more criteria today if you want, but that was - that is how we came up with the points that we came up with for Chimayo. As far as people served, I think the Commission was getting at is this going to serve a large area as in hundreds or thousands and we weren't sure the number of people that were going to be served for Chimayo.

CHAIR VIGIL: Is it possible, Roman, that the projects on the second page would also receive a 25 priority criteria? You stopped on page 1 because you reached \$9 million, but some of the projects like La Cienega, Cerrillos, Chupadero - could any of those receive 25?

MR. ABEYTA: Madam Chair, when Dr. Wust and I - we went through all the projects and we weren't able to come up with 25 for any of the others.

CHAIR VIGIL: So they were all less than 10 points?

MR. ABEYTA: Most of them were five points and ten points. The majority of them were five points. The majority were five. I don't want to say none had zero points, but the rest were five. The ones that were easiest and stood out most were the ones on the first page. Eldorado, the wastewater treatment plant, that certainly could get 15, 20 points, but the cost, \$60 million, for that reason we didn't include it because of the cost.

COMMISSIONER MONTOYA: That's a wastewater treatment plant?

MR. ABEYTA: Right. But if you put the criteria up against that, health and safety is certainly an issue, project readiness wouldn't be, but people served would be, so that would actually receive ten or fifteen points.

COMMISSIONER MONTOYA: But they don't want anything to do with us, do they?

MR. ABEYTA: Well, it would be our system. We may not even work with Eldorado. It would be just a system we build ourselves and it would be a County system.

COMMISSIONER CAMPOS: Would it be outside the water district?

MR. ABEYTA: It could be located outside, but if it's inside then there is

MOUs or JPAs that need to be worked out and jurisdictional issues that we've had to work out.

COMMISSIONER CAMPOS: Doesn't Eldorado's existing district have jurisdiction for water and wastewater within the district? So we really couldn't move in unless they said we're partners on this or something?

DR. WUST: Madam Chair, Commissioner Campos, we looked at that. I don't know all the legalities of it but the water and sanitation district has in the past publicly stated that they're not interested in pursuing such a project. What we looked at in terms of easements and things like that is all the roads out there are County roads and if some land were acquired by the County we would have all the easements and ability to lay pipe and things like that in place, so the jurisdictional issues – I don't know. It would be a legal question whether they could actually deny us that because certainly a service area of a wastewater treatment plant would be beyond the limits of the water and sanitation district anyway. So we were looking more regionally and to be able to say if we need to pursue it on our own, did we have easements available? Yes, we do. Would we be including areas that were not part of the district? Yes, we would. And even the easements are district are County easements. So that's the way we looked at that. We would certainly prefer to do it as a joint project. That would be more efficient and better in terms of entity to entity. But we just looked at simply as if it were a County project, were some of these things in place, and they are. But it's very expensive if we do it on our own as you can see.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya,

COMMISSIONER ANAYA: I don't see on here the La Cienega waterline extensions. I guess that didn't even make it on the paper?

MR. ABEYTA: Madam Chair, Commissioner Anaya, I believe that's on the second page under La Cienega lift station and lines.

COMMISSIONER ANAYA: Oh, lift station and lines.

MR. ABEYTA: And there's also a La Cienega loop line, which is water. So it did make the list.

DR. WUST: Madam Chair, Commissioner Anaya, that specific one, that's – you're talking about La Lomita Road and things like that?

COMMISSIONER ANAYA: Yes.

DR. WUST: If that's voted in by the Commission then we do it. It's not considered a major project. It's actually a fairly small project. We were looking at more like planning purposes, things that haven't been discussed yet. The lift station is for wastewater, lift station and lines. We could certainly add that in. That's one that because the Commission has discussed and are moving on, but we could certainly add that in. But these are more the sort of being planned but nothing's been decided then.

COMMISSIONER ANAYA: So it's not on the list at all then, what you're saying.

DR. WUST: That specific one, La Lomita is not on the list.

COMMISSIONER ANAYA: Not on. Okay. And you're saying that these are basically large projects on the first page. The estimated cost, is that the total cost for the project, with no matching?

MR. ABEYTA: Madam Chair, Commissioner Anaya, no. That's just the County's cost in most case. There's a match for most. This is just the County's cost. That's part of the criteria. We've given points to ones that have matching. For example, the County well program. The \$2 million is our cost but we're also asking for matching funds from the state for it, so there would be a total of three or four million for the County well program.

COMMISSIONER ANAYA: So if we prioritize these and then let's say we do get funding for the La Cienega waterline expansions through the legislature, those don't need to be prioritized. Those just need to get done.

MR. ABEYTA: Madam Chair, Commissioner Anaya, I'll let Steve answer that question. My concern would be that this is all the money we have so once it's allocated we'd only be able to do what they've got from the state. We wouldn't be able to put more into it.

DR. WUST: Madam Chair, Commissioner Anaya, we looked at several of these things in terms of what would be the County cost. Certainly if the state funded projects then we would just move ahead on them, but again, as has been discussed several times by the Commission, if we only get a limited amount of funding from the state legislature it may not even be enough to do any kind of construction and therefore we still have to either be looking at the Commission approving County funds to do it or we just don't move ahead on the project any more than we could get from the state funding. The sewer lines in Agua Fria are a good example of that. You don't see those in there. We tend to do those because they're turned over to the City system. We just do those as we get state legislative funding. The County doesn't really put any funds into those.

COMMISSIONER ANAYA: So, Madam Chair, I've been asking staff to meet with the Town of Edgewood to bring them forward to try to get them funding for their wastewater treatment plant, and it's on the second page at the bottom of the list. And if we were to approve this first page of \$9.8 million, then what's the use of the Town of Edgewood coming to us because there's no money.

MR. ABEYTA: Madam Chair, Commissioner Anaya, that's right and that's the point of this is so that we can tell people no, because we don't have money.

COMMISSIONER ANAYA: And I know you did the point system but I know the Town of Edgewood, like the Village of La Cienega has been before the Commission once before and I just feel that these projects need to be looked at also. I know that you all spent time in terms of prioritizing and these are all important projects. I guess I just have to see how this Commission is going to move forward.

MR. ABEYTA: Madam Chair, Commissioner Anaya, as I stated earlier, this was just an exercise that Dr. Wust and I did. These aren't our recommendations. It became pretty obvious when we looked at them that some of them do have more points

than others. If you want to go through the remaining ones one by one, it will only take a minute or two for each one. For example, Cuatro Villas. Do they have leverage? Do they have state/federal matching funds? The answer is either yes or no. If yes, that's five points. Is it a health and safety issue? Yes or no. That's another five. Is the project ready? Yes or no. That's another five. How many people, is it a large area being served? That's five. And has the construction already started with the County on that? That's another five. And so we can do that for the remaining ten projects if you'd like and we'll be able to come up with points for each.

But like I said, when we looked at the rest and they were only getting five, ten points each, so these were the ones that just stood out when we did our exercise.

CHAIR VIGIL: Commissioner Anaya, you still have the floor. I have Commissioner Campos and then Sullivan after that.

COMMISSIONER ANAYA: I'll yield to my fellow Commissioners. Thank you.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Abeyta, the question that pops out at me is because so much of this depends on what the legislature does, should we not wait until after the legislature ends and the Governor's had an opportunity to veto or not veto. That's the point that pops out at me and the other issue in reference to the discussion raised by Commissioner Anaya is dollars. For too long I think we've been throwing a lot of ideas around. Now we have to get real. Where is the money coming from? Do we have the resources? What truly is a priority? What places truly need water and wastewater systems? We can't do everything. I think we're getting close to the point where we have to make those decisions.

The last point on Chimayo's are the same ones that I raised this morning and perhaps we need a little more discussion on that project from my perspective. I think it's a great project. There's certainly an emergency. I still believe that the mutual domestics are a tool of the past, ineffective and don't really serve our interests. Those are my three comments. Thank you, Madam Chair.

CHAIR VIGIL: Thank you, Commissioner Campos. Commissioner Sullivan.

COMMISSIONER SULLIVAN: Two things, Madam Chair, that come to mind, and one is going back a page or two on our funding sources. This is all under the presumption that \$46 million is the amount allocated to the Buckman project. And that was an estimate that we had two years ago when we put this GRT out, that the project would be some \$90 million. The project is now \$160 million. So if there are no federal funds, if there is no state funding - and I think there will be a little bit of state funding. The state has been generally supportive of the project through the Water Trust Board, so there's been a little money trickling in for that. Give or take there, we're still pretty short some \$40 million. Are we thinking, Roman, that the interest from this will improve this? What's our thinking on making up this deficit?

MR. ABEYTA: Madam Chair, Commissioner Sullivan, in speaking with our financial advisor, part of the plan, and Peter could address the Commission, part of it is we may be able to leverage more funding to the tune of \$20 million, but that would take voter approval in like 2010 or 2011. So that could possibly go towards the rising costs of the Buckman Direct Diversion. And before Peter expands on that, one point I want to get across to the Commission regarding Buckman Direct Diversion, I think at some point the Commission, certainly the members of the Commission on the Buckman Direct Diversion are going to have to put a cap on the costs to that project because we just won't have the money for anything else but Buckman Direct Diversion if the costs keep rising the way they are. But Peter, if you want to address -

COMMISSIONER MONTOYA: Madam Chair, on that point.

CHAIR VIGIL: Commissioner Montoya, and then to you, Peter.

COMMISSIONER MONTOYA: I did bring that up at the last meeting that we had with the Buckman Direct Diversion board, that very point in terms of right now the way this thing is moving you don't know where it's going to move and how it's going to move. As Commissioner Sullivan said, it's already gone up and it's only going to continue to go up and agree with Roman, because I asked the question, when is it time to say enough is enough and what we put in there is what we can afford. Certainly we've agreed at least conceptually up front to say we're going to do this thing 50-50 but to continue to do it at that percentage and knowing that it's certainly not something that's going to benefit the huge majority out of the incorporated area residents I think we do need to look at a point, and very soon, to say when are we going to cap what we're saying we're going to do with this project. Because it's certainly escalating out of control real quickly.

CHAIR VIGIL: Mr. Franklin.

PETER FRANKLIN (Bond Counsel): Madam Chair, Commissioners, the capital program that we've been working with the County on does - would enable a new voter authorization of \$22.5 million in GO bonds to be issued in the years - fiscal year 2009 and 2011. That would require new voter authorization. That would not result in a rate increase of the property tax but I think it's really important to point out, that's your additional bonding capacity without a rate increase for Buckman Direct excess costs, other water projects and all other GO projects that the County would be looking at in that time frame.

CHAIR VIGIL: Thank you.

COMMISSIONER MONTOYA: So, Madam Chair.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Here's my suggestion. I suggest that we give the direction to proceed with the first five projects on the list as they're shown. And then I would suggest that we work - and all this be conditioned of course that these numbers can move back and forth if projects don't go forward. That we then target \$700,000 towards the Chimayo project. That we target \$800,000 towards the Cañoncito project. And then on the second page we target \$500,000 towards the Edgewood

wastewater treatment project. That would then leave us \$600,000 to apply towards any of the other projects on the second page, one or two of them that we thought were ready to go. Perhaps the loop line in La Cienega. Perhaps some funds towards the Cerrillos project or Sombrillo. That's kind of where I would start the process at least.

CHAIR VIGIL: Okay. Do you have a suggestion? I'm concerned about this because the Agua Fria Water Association isn't even a part of this, and while you made reference to testimony that they received funding for the sewer line extension, part of the reason that they do that is because they have a very sensitized delegation to assist them with that, but they leveraged their dollars for that. That water association may be at a different place than many of these are but they also need County assistance. They're trying to loop their lines to get people off of sewers and off of wells over there. Why aren't they here?

DR. WUST: Madam Chair, a couple of issues here. First off, that's constructing a sewer line that will be the City sewer line. So we have some issues in terms of the County putting money into something that goes to the City. The same question has come up recently on a waterline. But also because that's the process they go through. They have not come to us and asked for a joint powers agreement to do some kind of joint project. On sewer lines they come to us for legislative funding that goes to the County so they talk to us about the construction. That's the direction that takes and that's the direction - as you said, they leveraged their legislative money and that's the process they use.

CHAIR VIGIL: That's for the wastewater and the sewer lines. But they also want waterlines.

DR. WUST: The waterlines, that would take a joint powers agreement. And that's the big kicker on a lot of these. If you notice the top ones here. The County well program, Valle Vista water system, Valle Vista wastewater treatment plant, Valle Vista sewer lines. Those are all County projects, and the reason they've scored high is we're doing them already. The Commission has authorized us to go ahead and start them. We don't need agreements, and we're improving the County system with County money and then moving ahead. So all these are actually happening right now so they at least get the points for being started, County construction.

The other ones, they require agreements and that's been a very tough sticking points. A lot of projects, La Cienega, Edgewood, Chupadero, early Cañoncito discussions, as we start talking to them we need an agreement. Eldorado, same thing. A couple of years ago Eldorado came forward with a joint powers agreement that they rejected and the Commission rejected. So these ones that need agreements, those projects are not moving very quickly. And to address another point, in terms of mixing with legislative money to address Commissioner Campos' point, part of the reason we did this exercise is the very question the legislators come to us with and that is why are we going to the legislature for money, for projects, if we have County money?

So part of this exercise that Roman and I were doing was to look and say are there projects here that just with County money that we could basically use up all the money

available and that's why we're going to the legislature for things like the Eldorado-Cañoncito waterline is because the County just doesn't have enough money to do it all. Additionally, if the Commission so chose, you could dedicate all this money just to Buckman and then we'd have nothing left for projects. So all this is the idea of trying to tease out which are the most viable projects right now are the County projects that we're actually doing and we're moving ahead on as the Commission has asked us to, such as the Valle Vista wastewater treatment plant.

CHAIR VIGIL: Steve, is Valle Vista water wells, is that the same wells as the state pen wells? Because that issue has a potential of resurrecting itself – the state pen wells?

DR. WUST: The state pen wells, Madam Chair, are not on here. That's in negotiation with the state. So we didn't see it as a project or anything that may cost us money. So that's not on here as a project. If we can negotiate the state pen wells, that will be a wonderful thing for our water source, but that's not part of the County well program. We're looking at here what we've been coming to you with already, drilling wells, acquiring wells, doing the modeling, water rights, things like that. And I'll add in here that –

CHAIR VIGIL: Steve, we have difficulty on that state pen issue because of changes over in administration. But actually currently now the General Services Department director has approached me in particular and I don't know if he's had an opportunity to talk to our County Manager, because this is through the legislative session and the fast pace of that. They are open to discussing that opportunity again, and if we had this window of time with this particular administration to do that, we actually need to move forward on that and consider that as an option as part of our inventory. I would just with that give the County Manager direction to contact General Services director who is at a place now, because it is a different director who's more open to negotiating that, that option makes a lot of sense for the County program.

It seems to me that – I guess I'll just state my position. I think we do need to promote Buckman Direct Diversion and I think we need to promote our County programs. I have a really difficult time with well associations and mutual domestic wells because their needs are so wide and varied, and I'm not sure that we have the appropriate criteria for allocating these dollars. It seems to me when you look at Cerrillos, you look at Madrid, you look at Cañoncito, you look at Chimayo, you look at Cundiyo, you look at Pojoaque, you look at La Cienega, you look at even other areas that we're not even fully, fully aware of. The needs are so wide and varied and these mutual domestic wells and water associations are all at different places, and it seems to me that I would have a difficult time justifying a vote towards getting all the dollars up towards Pojoaque and Chimayo and Cundiyo, with Cañoncito being the only other community that we're assisting here.

So I think we need to have a better representation of the districts that we serve and identify and be able to advocate for their needs, yet at the same time I know we want to balance how we can do this with some prioritization. But I'm not comfortable with these

being solely the criteria or without us not having the opportunity to advocate for the needs on our districts. And that's it. Any other comments?

COMMISSIONER MONTOYA: Madam Chair, why don't we then just split the \$9 million amongst the five districts then? That would be pretty equitable.

COMMISSIONER CAMPOS: It wouldn't make sense.

CHAIR VIGIL: I hear splitting and I hear it doesn't make sense.

COMMISSIONER CAMPOS: But he's addressing it to your comment about district voting.

CHAIR VIGIL: Actually, that might be my recommendation, but I would not want to send it to districts specifically for water projects in their districts because my principle purpose in why I made the arguments I did is that we really need to support Santa Fe County water projects. My hope was, and I thought Commissioner Sullivan was going to come up with the idea, that we support the entire allocation for County projects.

COMMISSIONER SULLIVAN: I did. That's what I said.

CHAIR VIGIL: Yes, but then you allocated \$800,000 for the mutual domestic wells. Now, the Pojoaque Valley, we've already taken action on, so that's it.

COMMISSIONER SULLIVAN: I suggested funding all of the County projects in the amount recommended here.

CHAIR VIGIL: And then you lowered the amount for the remainder, right?

COMMISSIONER SULLIVAN: The others were not County projects.

CHAIR VIGIL: Right. I guess what I'm saying is it's difficult for me to identify what non-County projects are more deserving than others.

COMMISSIONER SULLIVAN: Well, sure. It's Sophie's choice. But at some point in time you've got to make a stab at it and then there will always be next year. Just like Linus and Peanuts and the baseball game. There's always next year.

COMMISSIONER MONTOYA: Madam Chair, Roman, is this something - are these funds recurring on an annual basis or are we talking about \$9 million for -

MR. ABEYTA: Madam Chair, Commissioner Montoya, I'll have the Finance Director address that, but it's my understanding it's \$9 million for a pretty set period.

MS. MARTINEZ: The only portion of the funding that would be recurring would be the GRT. So the bonds would be based on bond sales and the dedication of those funds and GRT would be recurring.

COMMISSIONER CAMPOS: Let me ask a follow-up. The GRT, is that the quarter cent water projects, open space, roads and other?

MS. MARTINEZ: Right.

MR. ABEYTA: Madam Chair, if I could ask Teresa a question. So what would be available next year for new projects, for example?

MS. MARTINEZ: We're bringing in about - depending on the GRT growth, which we're forecasting at three percent, I think it is \$4.5 million.

MR. ABEYTA: So next year there could be an additional \$4.5 million

available for projects.

MS. MARTINEZ: Yes. \$4.5 million.

COMMISSIONER MONTOYA: For County projects or –

MS. MARTINEZ: Across the board for all the GRT, on the capital outlay GRT. So it would be broken by the different categories, County and regional.

COMMISSIONER MONTOYA: Okay, so the \$4.5 million that we're getting right now is the GRT that splits in percentages.

MS. MARTINEZ: Right. And what you see right now on the funding breakdown is collective. It's a running balance since we started the enactment of this GRT. So there's \$11 million I believe on the County and there's \$12 million on the regional. At an annual rate it will increase at least by \$4.5 million.

COMMISSIONER MONTOYA: Okay. I'm going to go to the top of this because I guess you're losing me here. It's not unusual. It's 5:20 already. So the gross receipts tax, capital outlay GRT County, \$11,813,000. What does that mean?

MS. MARTINEZ: That is dedicated strictly for County projects.

COMMISSIONER MONTOYA: So that's a total, separate GRT?

MS. MARTINEZ: That total amount there is a collective balance from the beginning of time for this capital outlay GRT, but that total right there is strictly dedicated for County projects.

COMMISSIONER MONTOYA: And then the capital outlay GRT regional, is that another separate entity?

MS. MARTINEZ: It's the same GRT but it's the way it's split.

COMMISSIONER MONTOYA: It's the same GRT but we're splitting it. So that's what we were talking about earlier in terms of the bridge, I guess, the RPA, we were dedicating – So I guess my question would be then, on this regional GRT, do any of these projects potentially fit or are we already saying we're earmarking all of that regional GRT for the Buckman?

MS. MARTINEZ: Commissioner Montoya, Madam Chair, I believe that was initially earmarked for Buckman.

COMMISSIONER MONTOYA: So that's a foregone conclusion in terms of allocating any of that. So then that's the only potential recurring revenue that there is for how long? How much longer?

MS. MARTINEZ: I don't know. I'll have to find out for you.

COMMISSIONER MONTOYA: Is there a sunset on that?

COMMISSIONER CAMPOS: No sunset.

COMMISSIONER MONTOYA: Oh, there's not.

COMMISSIONER CAMPOS: No sunset. I think the projection is \$8 to \$10 million a year on that quarter cent GRT in perpetuity.

COMMISSIONER MONTOYA: And I know that we have had the discussion, and I think we have to have a discussion again, particularly when we're talking about roads and some of the other projects as well, these regional projects, how many are

there? I know a deal was made with a different Commission at a different time and I think we need to look at what are the needs that we're going to have long term. And I think this helps us in terms of giving us a little bit of direction on that. So I think we need to, as a Commission, we've talked about it in the past, to see indeed exactly what are the regional needs that are going to be needing to be addressed.

So there are – these Valle Vista projects, are they simultaneously going on? It says ongoing, ongoing, feasibility study. Is there ground being moved and pipes being laid and wells being dug?

DR. WUST: Madam Chair, Commissioner Montoya, for Valle Vista, they're in different stages but they're all ongoing. The wastewater treatment plant is in the middle of its feasibility study.

COMMISSIONER MONTOYA: That's a study. Everything's on paper right now.

DR. WUST: Correct. But it's part of the design so we know what kind of technology that we want to put out to bid for in terms of engineering and construction.

COMMISSIONER MONTOYA: Okay.

MR. ABEYTA: Madam Chair, though, can I add there's an existing sewer system though that's ours out there, that needs improvement.

DR. WUST: Madam Chair, that's correct. The existing sewer, the wastewater treatment plant is old and it functions just enough to get us our permit. We really need to upgrade it. And if we upgrade it we're going to get to expand it and include more customers, which will take people off septic tanks and certain developments will be able to hook into our system instead of trying to deal with the City. So that's the idea of this, to vastly improve the existing system.

The sewer lines themselves, they're going through the – the RFP has gone to procurement, so that will be put out for an advertisement for bid here very soon. That's to replace or repair all the existing sewer lines in the Valle Vista Subdivision. The water system part of it, there's two pieces to that. One is the existing wells and water collection part, storage tank and the electronic system that balances the pumping. That's in disrepair. That's being put out to bid right now to get repaired, but at the same time we are designing a permit application to the State Engineer in order to drill one to two wells to replace. We have 12 wells out there, only nine of which are functioning and none of them are very deep. What we need to do is replace those. So in essence it would be new wells but it would be as replacements for the existing wells. So we're designing a well drilling program in order to be able to submit a drilling permit to the State Engineer.

COMMISSIONER MONTOYA: So how far off is that? Drilling the well?

DR. WUST: Probably within a year. The sewer lines will be by the end of the year, to be done. The feasibility of the wastewater treatment plant will be spring to early summer, I believe, and then we put out for engineering design and building, so that's about a year and a half away from being constructed.

COMMISSIONER MONTOYA: So is that \$2 million for construction or for

the feasibility study?

DR. WUST: Madam Chair, Commissioner Montoya, the \$2 million for the well program, if that's what you're talking about -

COMMISSIONER MONTOYA: No, for the wastewater treatment. It's \$2 million for a wastewater treatment plant, the feasibility study, \$1.2 million for the water system upgrade, and then \$1 million for the sewer lines.

DR. WUST: Correct. Those are individual -

COMMISSIONER MONTOYA: So my question is is the \$2 million for the feasibility study or for the construction of the wastewater treatment plant?

DR. WUST: That's for the construction. The feasibility, ongoing, that's what's being done right now but the \$2 million is what we'll be looking at for construction.

COMMISSIONER MONTOYA: Okay. Madam Chair, I would advocate for, at this point, the work that has been done by staff to go with what their recommendation is. I think they've put some time and effort into this. I think if we look at divvying this up five different ways it gets back to the question and comment that Commissioner Campos made that does that make the most sense? And it probably doesn't. I think one of the criteria which I certainly think is important here is that has the construction been started? I think the work that we're looking at here with these recommendations of - what are they? Nine? Seven, seven recommendations, recommended projects for those \$9.8 million are probably, to me, in the stage that they should be in terms of the criteria that they have here.

I don't know what other criteria - they seem pretty fair and I would just say that based on the work that they've done that I would support their recommendations on these in terms of their estimated costs for each of these projects.

CHAIR VIGIL: Commissioner Anaya, and let me just make a suggestion. The other option we might have is to go ahead and fund the County projects. That would be a total of \$7.2 million, that from \$9.8 million would leave \$2.6 million that could be divided between five districts. Rather than identifying most of these projects which I think are just going more to the north and ignoring the south and the west, we could do the County well, we could do the first five projects, and that would be a total of \$7.2 million. There would be a remainder of \$2.6 million that could be divided between districts. District 1, District 2, District 3, etc. That's another consideration I'd like to throw out there.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: In terms of why the Edgewood wastewater or the Town of Edgewood didn't receive any points, I'm kind of curious because the Town of Edgewood has 10,000 people that live in it and you've got the Chimayo Mutual Domestic water with a population of about 1500 people and we have in there \$1,400,000 and the Town of Edgewood doesn't get anything. So I just don't see where that's coming from.

MR. ABEYTA: Madam Chair, Commissioner Anaya, like I said, we went through all the projects, Town of Edgewood would get five, maybe ten at the most. But five right now. Because we looked at the criteria. You're right, people served, that's definitely five points. Construction hasn't started, the project isn't ready. We don't have any agreements with them yet, but we're ongoing. It may be possible, another five points for health and safety, possibly. I don't know if we would give them any points for leverage, whether they have state or federal matching funds. But the other thing we need to ask ourselves as a County, do we want - when we commit ourselves and commit to working with these communities, we're looking at potential ownership of these projects.

We are looking at ownership, actually, That's the only way we're able to give them money. And do we want to have a sewer system down in the Town of Edgewood or part ownership. That's a discussion we still have to have. But you're right, Commissioner Anaya, there's points that could be allocated to the rest of these projects. From my perspective and staff's perspective, the first four are County projects so they should be allocated money. We've already committed to Pojoaque. And then as far as Cañoncito goes, we chose them as one of our top five priorities, so we've committed to this amount, and that's the message we've been telling the delegation and the state legislature is we're going to help Cañoncito. We need matching funds from the state and we're willing to put up \$1.2 million. So that's why they're on the list also.

In talking with - this isn't the end-all though. In talking with the Finance Director, next year we'll have \$4 million to do this again with. And that may be the message that we have to tell the rest of the people on this list is in six months, seven months, we'll be talking again and getting the Commission to prioritize for the \$4 million that becomes available. So this isn't the end of it. Every year we'll be able to do this exercise.

COMMISSIONER ANAYA: Madam Chair, so what I'm hearing is the first four projects, five projects are committed - the fifth project is committed, the other top four we need to do, and you're saying that we're committed to the Cañoncito, \$1.2 million?

MR. ABEYTA: Madam Chair, Commissioner Anaya, I would say yes, because they came in as one of our top five priorities that the Commission decided on and voted on. We have represented to the state that we are willing to give that \$1.2 million if they will match. So in my mind I believe we've committed that to Cañoncito.

COMMISSIONER ANAYA: I don't have a problem with it. I guess the problem that I have is that if we have this \$9.8 million, and if we approve what we have here, District 5 and District 3 are out.

CHAIR VIGIL: District 2 is out.

COMMISSIONER ANAYA: And I don't mind helping Chimayo, but do we have to - and this will probably be a question for Commissioner Montoya, do we have do the \$1.4 million? Is that set in stone or can they do with less, so that maybe we could take some of that money and move it around?

COMMISSIONER MONTOYA: I'm going to defer to the people from

Chimayo who are here.

MR. ABEYTA: And Madam Chair, while she comes up to answer that, one of the criteria next year could be if you got funding last year, your district, then we start with District 3, 2 and 5 for the \$4 million next year. That's a possibility too. Right off the top, that becomes priority for next year's projects.

COMMISSIONER ANAYA: Yes, but we're only dealing with \$4 million.

MR. ABEYTA: It would be approximately \$4 million.

MS. DEAUX: Madam Chair, members of the Commission, as Doug Albin, the engineer stated, there were two separate parts to the project. One was the \$900,000 to replace all the lines. The remaining was to replace the tank. I cannot speak for the board of directors. I do say we've applied to every conceivable resource to get funds for this. Any time, as you all know, that we can go to the state of New Mexico or the federal government and say we have 70 percent of this project funded and need the rest of it, we'll get the rest of it much easier. So this project can be phased to a certain extent and I think that phasing it, and given, just a part of the pitch that I'd make for this project, the bulk of the infrastructure for a lot of this water system has already been paid for and purchased with state and federal funds. A lot of this will be lines, replacing the lines you saw so well demonstrated by the little piece of Swiss cheese that was being passed around. So this is in fact a very cost effective project.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I kind of like the idea of Commissioner Sullivan's, the idea of \$700,000 for Chimayo and \$800,000 - but since we already committed the \$1,200,000 for Cañoncito -

CHAIR VIGIL: We just committed \$1.2 million to Pojoaque. And Cañoncito, if I might just speak on that particular subject, there are two initiatives going on through the legislature right now that are delegations are having a difficult time with. One is the Eldorado Water and Sanitation District is requesting some money for waterline extensions to Cañoncito. They want to own it, and we have done the same. So that battle is burging over there. My concern would be what would the outcome be with that. Because the money was allocated to the water and sanitation district, the \$1.2 million we committed to, what does that do to us?

I think the water and sanitation district issue is based on what may or may not happen at the legislature. It puts us in a position of maybe wait and see. I don't know. Commissioner Anaya, you had the floor and I was just responding to that point. Please continue. And then Commissioner Sullivan.

COMMISSIONER SULLIVAN: Madam Chair, we could take - really focusing on this first page, we could do \$700,000 as I suggested to Chimayo and then just do one project on the other page which would be \$700,000 to Edgewood. I think Chimayo is an important project just like all of them are. It wasn't one that was in our legislative packet priorities, and I think the County Manager is right; we do have an obligation to

stick with what we proposed, but if the legislature doesn't come up with anything I think that money's released.

MR. ABEYTA: Right.

COMMISSIONER SULLIVAN: I think then we have \$1.2 million to put back into the pot and say maybe it goes to Chimayo. Or maybe it goes to Edgewood. So another subset of the recommendation that I made, Commissioner Anaya, would simply be \$700,000 to Chimayo and then \$1.2 million to Cañoncito and \$700,000 to Edgewood.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya, and then I do have to go to Commissioner Campos.

COMMISSIONER ANAYA: I would agree to that. Maybe that would work because it would be phased in and then that way we're paying a little bit of attention to the Town of Edgewood who have been before us, I think twice.

COMMISSIONER SULLIVAN: \$700,000 is enough for a tank.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: I think the staff came up with the right selection of the top seven projects. The criteria are solid. It makes sense to focus on projects that are County projects, projects that present serious emergencies. Our staff is our primary source of expert advice. I think it's solid. Three, I think we've got to wait for the legislature to make some decisions because that will affect our decision making criteria.

As far as the mutual domestics, Cañoncito is talking to us about having the County own it and run the whole thing. That's something that makes it a lot different and we have made it a commitment. As far as the Chimayo mutual domestic, I want to have further conversations about the JPA and about what happens in five years? What's the best way to manage this thing? I think if the County wants to get involved we're going to certainly need a transition period. So we may - I would like to engage in that conversation.

As far as dividing the money with all the projects, what happens with the legislature is what you're proposing, Madam Chair. Every time we go to the legislature in the best you get a nickel on the dollar. You couldn't finish a project for five years. So my argument is not to go by the districts and divide it by five or whatever, but look at really the true priorities, and that makes sense.

Buckman - boy, that's a big one. I think our County Manager is right. We have to put a limit on that and do that very soon. I think we need to look at that real carefully next week. I don't know when the next Buckman board meeting is but -

COMMISSIONER MONTOYA: this Thursday.

COMMISSIONER CAMPOS: I think we need to approach it seriously. We just can't go on with the escalations and what's been going on there. So it's a tough situation but we will have money and clearly if the Commissioners think that that's not enough money they can certainly try to pass more bonds.

As far as Edgewood, Commissioner, and I have always argued this: Why do you create a city? You create a city to provide services with your own taxing authority. The

mutual domestics aren't in that position. People out in the county aren't in that position. Towns are created to take care of the problems of the citizens and Edgewood has persistently said, we're going to have a wastewater system and we're not going to charge you a penny of tax. We're going to get the money from the state, from the feds and from the County. I don't think that's clear thinking. So I really have serious questions about that Edgewood project. It's not only huge, it doesn't make sense to me, unless there's some significant benefit to county residents, that is people living outside of the Town of Edgewood.

They have to take the responsibility for – they can increase some of their taxes; they don't want to. They would prefer that we give them money and that's a discussion we have to have with Edgewood. So I would say let's proceed with the seven top choices as proposed by staff. I think they're the most thoughtful, they're the most rational, and let's see what the legislature and the Governor do in the next 30 days. How long does the Governor have to make a decision after the legislature ends?

MR. ABEYTA: Madam Chair, Commissioner Campos, I think it's either 30 or 60 days after the session.

COMMISSIONER CAMPOS: So he could still pocket veto it?

MR. ABEYTA: It's 20 days.

COMMISSIONER CAMPOS: If he doesn't veto after 20 days the become effective.

MR. ABEYTA: Right.

COMMISSIONER CAMPOS: Okay. That's my proposal.

CHAIR VIGIL: And we might be ready for a motion, but I have a question for Roman. Roman, of the \$1,400,000 for Chimayo, how much of that represents the County-owned portion of this project?

COMMISSIONER MONTROYA: One hundred percent.

MR. ABEYTA: Madam Chair, we would work out the agreement so that it would include all of it. Eventually that would become a County system.

COMMISSIONER MONTROYA: And let me add also to that, Madam Chair, that we have had discussions with the Greater Chimayo Mutual Domestic and I believe after the presentation this morning and in the discussions that we had with their attorney that they are open and amenable to adjusting the language as it currently stands to include the potential buy-out by Santa Fe County at some point in the future, in reference to Commissioner Campos' comments this morning. Steve, is there anything else? That pretty much covers it?

CHAIR VIGIL: I'm sorry. Did you have a response to that?

MR. ROSS: Madam Chair, all I would say is Commissioner Montoya's description of the conversation I had with their attorney is correct.

CHAIR VIGIL: And would you restate what direction, what commitments were made with that conversation?

MR. ROSS: Well, the conversation I had with Mr. Trujillo was essentially

- it was prompted by the discussion this morning and I asked him whether some long-term thinking would be appropriate in this JPA, like particularly with respect to what happens in five, ten, twenty years. I mentioned the Cañoncito example and he thought that some language like that was appropriate and he was thinking of the current arrangement as more of a stop-gap approach to an urgent problem, but he wasn't at all averse to discussing ideas like that, including pledges in this document, similar to what is in Cañoncito's.

CHAIR VIGIL: Okay. So if we get a joint powers agreement and we enter into one, can that language of commitment be included in there?

MR. ROSS: Madam Chair, it certainly could.

CHAIR VIGIL: I think I would be more likely to support this because part of my hesitancy - because I recognize the needs of the Chimayo district and I'm proud of the fact that they've been able to merge, but by the same token, I don't see the connection with Santa Fe County unless there is some kind of understanding that if this is a regional project as was proposed, that in fact there's a partnership at least initially, and perhaps looking forward to some kind of ownership, because that will create a lot of problems if there's even joint ownerships and things. I know sometimes that's the only way it will work, at least initially. But in the future and long term there really has to be a final authority, a final utility, a final decision maker on this. That, I would be amenable to, if a motion would include that.

COMMISSIONER MONTOYA: Could you summarize that, like in one sentence?

CHAIR VIGIL: If you care to make a motion that forwards staff's recommendation - you just want direction? Or do you need a motion?

MR. ABEYTA: Madam Chair, I'm asking for action. The agenda says possible action, so I would prefer action.

COMMISSIONER CAMPOS: On the water projects?

MR. ABEYTA: Yes.

CHAIR VIGIL: Let me just ask this also. My concern is that - and I hope the comments I make, Barbara aren't taken as a lack of support for your project. I thoroughly recognize it and support it. My only problem is that I'm up here representing many mutual domestic wells, many water associations whose needs are pathetic and who need the County to support it, and I applaud the fact that this community has gotten together and moved forward, but we also have other communities who are at a different place, perhaps more advanced than you are, that still need our help.

So the needs are so wide and varied, it's difficult to make a choice with regard to that. And I hope you understand that, Barbara. This is not anything to do with Chimayo standing alone. It has a lot to do with what's fair and equitable to all of us who represent districts and associations and mutual domestic wells that are constantly at our doors saying, you know, help us with this, help us with that.

So I guess we are at a place, as Commissioner Sullivan said earlier, we might just have to bite the bullet and make some choices. So let me give you the answer to your

request, Commissioner Montoya. I would not mind favoring - well, the question I had for you Barbara, is would you be amenable to not coming back to the County and allowing us to have an opportunity to spread, the opportunity to help other mutual domestic wells, and I think that might be necessary to be a condition, unless you have emergent situations, I suppose.

MS. DEAUX: Madam Chair, could you re-explain that? Not coming back to the County -

CHAIR VIGIL: Not coming back to the County for further funding.

MS. DEAUX: Does that refer, Madam Chair, to the statement in the JPA that talked about the operation and maintenance sharing? Or -

CHAIR VIGIL: I think for infrastructure.

MS. DEAUX: Madam Chair, I can't bind the board of directors but I certainly support the efforts that you're undertaking here to limit that at this point to the \$1.4 million or the share thereof that you're able to do. I just wanted to say in response to Madam Chair and Commissioner Campos that the organization, to my knowledge has been working alongside, around and with and in partnership with the County of Santa Fe since the year 2000 in their various stages of planning. This is the first time I ever heard the County say they wanted to own and operate a water system as opposed to having mutual domestics do that responsibility.

So I agree with Commissioner Campos that this is a function of government, but it came as a surprise because this was not the direction. I don't think we've ever had a County staff person say to us we want to get out in front of this and take that role. I appreciate it and I applaud it but it came as a surprise.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: I guess I'm confused about what you're saying.

CHAIR VIGIL: I said I would consider, and I never finally said it in response to Commissioner Montoya's question. I would be opposed to approving the projects and dollar amounts as recommended by staff. However, I would consider that the condition be put in that the project not come before us until we've had opportunity to fund other projects in other districts and that in fact this would be the last time these mutual domestic wells come before us for funding.

COMMISSIONER CAMPOS: Madam Chair.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: Just a comment. Let's assume that we reach an agreement with Chimayo that in three to five years the County will somehow take over the system and operate it. There may be a plan in the interim to prepare for the takeover which would require capital investments. I understand what you're talking about. You want to move money to other parts of the county and that's important. But this is an emergency situation. They can't drink the water. And I think that's more important. I think we need to

have a little flexibility.

COMMISSIONER MONTOYA: I think maybe the recommended language on that point, Madam Chair, would be something in terms of what you, Steve, and Ted discussed, as opposed to cutting them out forever. I don't see that that would be fair to any community to say, okay, this is it. Don't ever come back to us again.

CHAIR VIGIL: I don't think I have a forever time line. I think I want a time line to allow this Commission to spread the opportunity to assist other water associations and mutual domestic wells. So I don't know if that means we have to set a specific amount of years before they can come back. I just want assurances of some kind that we can help Edgewood. And Cerrillos and Madrid. They emergent. They have water problems too. We just have so much to be concerned about. And Barbara, in response to your statements about staff not representing ownership. Staff can't do that. They're not the policy makers. They can only work through the procedural stuff. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, just in response to Commissioner Campos, that he said something about he wasn't in favor of the Town of Edgewood or us helping the Town of Edgewood. The Town of Edgewood is in Santa Fe. It is not another country. And I represent that area and when they need help, they're my constituents, they come to me and ask for help. And that's why I am up here advocating or trying to help them in their wastewater treatment plant.

Now, Commissioner Montoya talked about being fair, you want to be fair, why don't you send some money down south. If we approve this you're going to get \$2.4 million in the northern part and I don't think that's fair. I know it's a need. And I think that, Barbara stated that it's a phased in project. Maybe we should split this money up and then they can come back next year and we can look at those projects again and say, okay, you've used that much amount of money, here's another to move forward with the second phase. And I just kind of was blown away by Commissioner Campos' - what is in it for us in Edgewood? Well, we have the fire station. I attended your housing meeting today. We could possibly put affordable housing units in that area. We could do a tremendous amount of things if we owned part of that wastewater treatment system. Plus we're helping out those 10,000 people that live there.

So I'm just - I'm fighting for my constituents. I want to say, yes, let's approve this, but then again, Commission District 3 is cut out of the loop again. And I want to just reiterate that I brought two projects to this Board that were denied first. And here we go again. I appreciate Commissioner Sullivan for bringing up his suggestion on splitting the \$1.4 million so that we can get some money down south.

CHAIR VIGIL: Commissioner Anaya, let me ask you, one of the proposals I made is for us to fund the County projects. That would be the County well program, Valle Vista, Valle Vista, Valle Vista and Pojoaque Valley totally. That would mean \$7.2. That would leave \$2.6 million for each district. That would mean a little over \$500,000 for each one of us. That would give you the opportunity to help Edgewood. That would give Commissioner Sullivan the opportunity to help Eldorado. It would give Commissioner

Montoya the opportunity to help Chimayo. It would give Commissioner Campos the opportunity to help Cañoncito or the Buckman and it would give me the opportunity to help Agua Fria.

COMMISSIONER CAMPOS: Madam Chair, you forget that Cañoncito is already committed as a top five priority. We've had that discussion. There's a commitment to that community. We can't take it away from that. And Chimayo is in an emergency situation and staff has a pretty good deal, so I don't favor that idea. I think it's political but it doesn't achieve the main goals of what we have to do.

COMMISSIONER SULLIVAN: Madam Chair.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Madam Chair, if you wanted to do that, I would - let's just call it \$500,000. Because we're \$254,000 short anyway, by the way. We really don't have \$9.8 million. We really only have \$9.5 million. But I would commit my \$500,000 to the Cañoncito project. So that would bring it up to a million at least and if anybody else wanted to contribute at the office they could. Because it is a priority. And I think getting something started in Chimayo is a good idea. I think a few hundred thousand dollars would get them a tank. That's a good phased portion of the work, that the County could assume ownership of. Let's say \$500,000 if Commissioner Montoya put his \$500,000. That would get that started. As I say, mine could go towards Cañoncito. That's pretty close to \$1.2 million.

You would get, Madam Chair, your money for whatever project in Agua Fria you felt was important. So I can go with it that way. I just feel we have to have some recognition. And I think one of the problems in Edgewood is just that the County hasn't come up to the plate and we haven't put our money where our mouth is in order to execute or negotiate a JPA. And some of the problems that Commissioner Campos pointed out are there. They have been in a world of denial that this is going to be funded without tax monies, I think, and it can't be. And if they don't see that, they're not going to have a project. If they don't have a project that \$500,000 isn't going to go towards the project. It will come back if they don't get real.

If we don't have something up front that says we're sincere with what we want to do and here's some money on the table. We're ready to talk. Are you ready to talk? Then we're going to continue making very little progress. So I can support that mechanism and would pre-commit my money to the Cañoncito project.

CHAIR VIGIL: Do we have a motion? I think we're ready for one.

COMMISSIONER MONTOYA: Madam Chair.

CHAIR VIGIL: Commissioner Montoya.

COMMISSIONER MONTOYA: Again, I'm opposed to that suggestion and if it becomes a motion will vote against it. I think there have been other instances where this Commission has made decisions that have not included any funding for District 1, and I would be glad to go back to the minutes that reflect the fact - not a conjecture, a fact - that District 1 did not get any funding for a previous project for capital improvement

projects that were decisions made by this Commission.

Now if we're going to go on a political way of looking at doing this as opposed to a practical way of doing this, what I would just that in the future we just throw out the criteria that you came up with and we just go with whatever money is available and split it amongst the five districts and let us prioritize how we see things being done. Forget about staff recommendations. Let's do things politically here and split things five different ways amongst the funding that we have and we'll be running out of our terms and hoping that we still have enough money to fund projects and we exit the Commission because I think what we're doing and what's been recommended here is that we're going to pay for projects. Projects are going to get completed. The criteria as have been outlined to me are fair and I think just a reminder to the other Commissioners, what's fair is fair and I've already been zeroed out a few times so I would be glad to share that with the rest of the Commission that District 1 has not been included.

COMMISSIONER CAMPOS: Why don't you make a motion?

COMMISSIONER MONTOYA: Madam Chair, I would make a motion that we accept the water resource, water/wastewater projects as proposed by staff.

COMMISSIONER CAMPOS: I'll second that.

CHAIR VIGIL: Motion to accept staff recommendation. Is there any discussion? I'm not in favor of it. I will say that.

The motion to approve the priority list as recommended by staff failed by 2-3 voice vote with Commissioners Campos and Montoya voting in favor.

CHAIR VIGIL: Motion fails. Is there another motion?

COMMISSIONER SULLIVAN: Madam Chair.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: I would move to direct staff to proceed with capital funding for the County projects and the Pojoaque wastewater project, which was committed to, and that the balance, in the amount of \$2.5 million be distributed equally amongst the five districts.

CHAIR VIGIL: Motion. Is there a second?

COMMISSIONER ANAYA: Second.

CHAIR VIGIL: Motion and seconded. Any discussion.

COMMISSIONER CAMPOS: Discussion.

CHAIR VIGIL: Discussion, Commissioner Campos.

COMMISSIONER CAMPOS: Commissioner Sullivan, we've committed to Cañoncito as a top five priority. It's a \$1.2 million commitment and you're backing out of it. I know you're saying you want to give in your \$500,000 but that still leaves us \$200,000 short.

CHAIR VIGIL: I'd be happy to allocate \$200,000 to make up the difference for Cañoncito.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: That leaves you with \$300,000. I would be willing to put in \$100,000 if you put in \$100,000.

CHAIR VIGIL: That would be fine.

COMMISSIONER ANAYA: Then I would get \$400,000, you would get \$400,000. I'd be willing to do that.

COMMISSIONER CAMPOS: You're leaving Chimayo totally. You're dividing up Chimayo.

CHAIR VIGIL: I think that's the way the recommendation is.

COMMISSIONER SULLIVAN: Chimayo gets \$500,000.

COMMISSIONER CAMPOS: No, that's the motion, not the recommendation. Staff has clearly made a recommendation and you're leaving Chimayo out.

CHAIR VIGIL: I'm talking about the motion that's on the floor, Commissioner Campos. We have a motion on the floor for distribution and there have been some commitments from these Commissioners to assist Cañoncito. Is there any further discussion?

The motion to approve the distribution of water/wastewater capital funds as delineated above passed by majority 3-2 voice vote with Commissioners Campos and Montoya voting against.

COMMISSIONER CAMPOS: Politics reigns.

COMMISSIONER MONTOYA: Yes.

CHAIR VIGIL: This is not politics. Politics is about justice and fairness.

COMMISSIONER MONTOYA: And District 1 gets zeroed out again.

COMMISSIONER CAMPOS: Chimayo gets nothing.

CHAIR VIGIL: Chimayo gets \$500,000.

COMMISSIONER MONTOYA: That's a third of what they need, Madam Chair.

CHAIR VIGIL: You can allocate your dollars if you'd like.

COMMISSIONER MONTOYA: It's a third of what they need.

COMMISSIONER CAMPOS: And it's an emergency. You guys are playing politics.

CHAIR VIGIL: This is not about politics and no editorializing is required at this point in time.

C. XII. D. 2. b. ii. Road Projects

MR. ABEYTA: Madam Chair, when it comes to roads you have in your packet a list of road projects. All the money for roads has been allocated. The point of the discussion that we want to have with you on roads is if there are any other projects that you'd like us to consider then we would need to take a look at the existing projects and reprioritize. Last Wednesday Commissioner Sullivan had raised a request for \$500,000 for roads for Eldorado which would be us a possible match from the state legislature of \$1.5 million, and so it's items like that that staff needs direction on as to whether or not there are other projects than what's been listed here for roads that you want us to consider. But this road project list is based on a CIP plan that we've had for a couple of years, plus when we adopted the road bond we had to prioritize roads for us

So as I stated before, the money that is available for roads has been allocated. So if you want us to consider \$500,000 or something different then we would need to go to the list and take some road projects out. James, is that correct? So that's the point of this discussion.

CHAIR VIGIL: And I think the current status – and James, you might be able to address – was Senate Bill 710, they have resurrected some dollars that were made available to Eldorado from last year's allocation. And I'm not sure exactly how much those dollars are. But how does that factor into this request?

JAMES LUJAN (Public Works Director): Madam Chair, I believe they have resurrected it but there's going to be a match to it and we do not have that funded.

CHAIR VIGIL: Do you know how much the dollars are?

MR. LUJAN: No, I don't have that figure.

CHAIR VIGIL: I wonder if we could find that out because it's actually on the bill and I'm perfectly willing to match the dollars or look at matching them because they would allow for leveraging quite well, but I don't know how much that exactly is. It's in Bill 710 that resurrected the vetoed projects. It was specific to Eldorado roads. Does anyone have that information or can we get it from somewhere?

COMMISSIONER SULLIVAN: I'm getting it. I have it right here.

CHAIR VIGIL: Commissioner Sullivan has the bill. I know \$800,000 was resurrected for the First Judicial Complex. And we still don't know what's going to happen to this bill.

MR. LUJAN: Also, Madam Chair, there will be a match for the GRIP projects also. There again it's portions that are in the remainder of the dollars that are left.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: So, James, the other question was, while Commissioner Sullivan is looking for that, is there any other projects that we wanted to put on these sheets? Is that what you're asking? Or this is pretty much itemized and this is what we have.

MR. LUJAN: This is pretty much itemized and what's left for the existing projects that were prioritized during the ICIP and the bond moneys. And what went also to the Public Works Facility. Also in here are the transfer stations.

COMMISSIONER ANAYA: Oh, they are? Where are they?

MR. ABEYTA: Madam Chair, Commissioner Anaya, as far as the transfer stations, we didn't provide details on that because we already have a plan in place and it's going to take up the entire amount. We have \$750,000 available for transfer stations. The Commission has already prioritized those transfer stations and it's going to take up the full amount. So we're just going to go on the prioritization of transfer stations that you've already approved.

COMMISSIONER ANAYA: Thank you.

MR. LUJAN: And the same with the roads, pretty much.

COMMISSIONER SULLIVAN: They're all County roads.

CHAIR VIGIL: Commissioner Sullivan just pointed out to me that there's been resurrected \$100,000 for dirt roads in Eldorado for units 1, 2, and 3, and I believe that might be the original subdivision, as we discussed. So where does that leave us, Roman, if that \$100,000 does get allocated? Do we need to match the \$100,000? I'm not sure.

MR. LUJAN: It's my allocation on all those allocations there's a match to them, unless the language is clear that it doesn't say a match. Those would distinctly go to Eldorado projects, which would be totally separate of this remainder of monies that the Manager is talking about. That would just go specifically to Eldorado. It's a direct allocation from a legislative appropriation. But I have not read the bill. I don't know if there's a match to it. I couldn't answer that.

CHAIR VIGIL: Bill 710, I do not believe – it just identifies projects. The one we actually have I don't know if there's further language in that.

MR. LUJAN: It might be the language maybe just for materials. I don't recall at all. Usually when it's just for the materials is what it is is we're doing the labor in-house and that would be at times our match. So that would work out also. But that \$100,000 would not go to any of these projects. It would be directly for Eldorado projects, and we're not sure of that yet until we get it. So I don't know that it's an issue at this moment on these projects. Would it be?

MR. ABEYTA: Madam Chair, we really need to wait until after the session to see what's been allocated as far as roads and see how that impacts our list. I just wanted to provide you with the list today and get any information from the Commission that you may want us to look out for, like I said. Something that came up on Wednesday, last, Wednesday, was the fact that, hey, if we can access \$1.5 million for certain roads are we willing to put in \$500,000 more? We haven't gotten that yet and so we probably need to continue this discussion after the second. But I at least wanted to give you the list of roads that we are working on.

CHAIR VIGIL: Okay. Any questions for Roman? None.

COMMISSIONER MONTOYA: Are there any in District 1 that we need to get rid of right away?

CHAIR VIGIL: Actually, GRIP II has been very generous to District 1, at the expense of other districts. So the direction is we'll wait till after the legislature?

MR. ABEYTA: Right. You have the list of projects. We'll see what comes out of the state legislature and if we need to adjust the list of projects based on what we get from the legislature we'll come back before the Board and adjust the list of road projects.

CHAIR VIGIL: Okay. Then with that, we'll wait until after March 17th and include that in a future agenda.

[The Commission recessed from 6:10 to 6:20.]

XII. D. 2. c. Request for Direction on Proposed County Re-Organization
[Exhibit 4: Proposed Organizational Structure]

MR. ABEYTA: Thank you, Madam Chair. If you turn to the first page you will see the current organizational structure of the County. And what you'll see, the most glaring thing, is the items on the left-hand side, Human Resources, Risk and Safety, IT, Finance, even Teen Court, those areas are reporting directly to me right now. And what's happened, the reason this has evolved into this is because most of these fell under PFMD but what's happened with PFMD over the last few years is that projects has really dominated PFMD and the activity there and so as a result, in order to keep up with the projects, we were sharing resources with IT, for example, GIS, some of these other areas. So in order to better focus on both projects and these other areas, we took them out of PFMD temporarily until we could act on a permanent reorg. So really what's happening or what's evolved is the creation of the ASD Department that the strategic plan had talked about as our top need.

When looking at reorganization, myself, Beth Mills, and some of the members of senior staff talked about a reorg and what are some of the problems, the strengths, the weaknesses, the opportunities, the threats? The strength of our current organization is I've got good department directors in key positions. Individually, they're all good at what they do, and staff understands the structure. The problem though is we have too many departments, if you look at other organizations. We have too many departments. Because we have individual departments there's competition for resources where there should be coordination. One of the most glaring things and something that the strategic plan really pointed out is that because we have this many departments and they're all working individually on projects, we have poor communication and so there's gaps.

In fact I sent you an example this last week of a dialogue that was happening between Public Works and Water Utilities, because they both have shared responsibilities in a certain project, and there's definitely a disconnect between the two. So that could lead to frustration and waste of resources.

Opportunities with reorganization is we'd have fewer departments. It's obviously more efficient to manage. Then there's increased opportunities for cooperation and collaboration on specific projects. There's better communication and there's an autonomy for internal support

services.

The threats through, with any changes there's always fear of change. We could have problems with staff buy-in. We could lose these good department directors because they're no longer department directors but division directors, and then we'd need to determine who would report to whom when you do a reorganization. So there's some real, basic problems that you run into when you reorg that are difficult to deal with. And they have to do with the department directors. Like I said, my biggest challenge in this reorg is I've got good department directors and if I start merging them and putting different people to report to different people, then what does that do to that individual department director? Will that person be as effective? That's definitely a big challenge.

As I said, the next slide, what I would propose that we do immediately is create an ASD. In a sense it's already been created. I'm on the Santa Fe County reorg phase 1 slide. We've got the existing structure. What we've done, what I'm proposing is that we create an Administrative Services Department in which Finance, IT, General Services, Payroll and Purchasing would all report to one director, and specific projects that this department and this director could be responsible for right off the bat, because of the CAMA system upgrade would be Assessor's office.

Second, the Weston GIS study implementation, an IT needs analysis. We talked earlier today about what's the number of staff that we need in IT, what should the salaries be? Then we have another big issue that the County is facing that we highlighted during our mid-year, which is our liability and worker's comp insurance plan with the Association of Counties. Those costs are rising at a phenomenal rate. We need to take a serious look at that over the next six months. So that's something that this director and this department could do. And then we have the payroll system upgrade that we've talked about, and potentially an entire County system upgrade. So there's definitely specific projects that this department could work on and be responsible for.

The other thing, under ASD you'll see a purple box labeled Treasurer and what that means is that this individual could also serve as the liaison to the elected officials. I handed out behind this slide presentation the Bernalillo County organizational chart and you'll see what they have done is they have basically four departments or divisions. And what I like about this plan is one, there's only four, obviously, but also you'll see that those directors also serve as liaisons to the elected officials and it makes sense. When you look at a new ASD, if you have Finance in there, Payroll, Purchasing, especially Finance, it makes sense that that individual serve as a liaison to the Treasurer.

As we organize ourselves it would be helpful to both myself and the elected officials if these directors serve as liaisons to the other elected officials. And that's the next slide. If we were to follow the Bernalillo County model where there's a limited number of departments and they're all organized on what they do, then the goal would be that you have all your internal services reporting to one individual. You have the Treasurer reporting to that individual. Then the challenge is what do we do with all of these growth management components that we have now that are either division directors or departments, plus community services? What do we do

with those areas?

If we followed the Bernalillo County model we'd have maybe three more departments or in this case, one idea is you have three departments. You have a growth management department, a community services department and an ASD. In which case growth management would be responsible for being a liaison to the Assessor and the Clerk, because there's definitely a connection between those two elected officials. In regards to community service, there's definitely a connection to the County Sheriff, and again, that's the Bernalillo County model.

The other option is we could go back to a traditional model in which you have a County Deputy Manager and if that's the case then we would determine which areas the Deputy Manager would be specifically overseeing and what areas the County Manager would be, and then we would probably divide up the elected officials as far as who serves as what liaison. So at this point, like I said, I'm going to bring back to you, based on the direction I get today, in March, probably a request to create an ASD Department. It's obvious in the strategic plan and the way things are evolving now that ASD makes sense.

Then the challenge that we have afterwards is what do we do with the other departments? How do we organize them? Or do we do anything with them? Do we leave them alone and do we see how that structure works over the next year or two, and then take a look at reorg-ing? So that concludes my presentation, Madam Chair, and I would like feedback and discussion with the Commission on this issue.

CHAIR VIGIL: Commissioner Sullivan.

COMMISSIONER SULLIVAN: Just quickly, Roman. In this last slide, are you proposing that there be three departments? An ASD, a growth management, and community services?

MR. ABEYTA: That is one proposal. That's a proposal. There's four boxes here so if you wanted to leave maybe one of the departments separate, like for example, Health or Utilities. But if we just go with three, then this would be how we would organize it.

COMMISSIONER SULLIVAN: The only thing that confused me is all these red boxes under growth management, you're not proposing that solid waste be under roads -

MR. ABEYTA: No, no. We just lumped them together. We didn't get into that level of detail. We would probably have - we would refine these so that they make sense. You're right. Solid waste would probably become a section of utilities, because it ultimately is a utility, or it would stay - there would probably be a combination between roads and utilities. Or maybe we'd divide them with planning and implementation. So we just threw all the boxes in one area. It doesn't mean that one would report to the other. We would refine this and we would organize the boxes so they made sense.

COMMISSIONER SULLIVAN: And I think we could work with three and the other option would be that if you wanted four, one could be growth management and the other could be utilities, or you would throw all your utilities into one.

MR. ABEYTA: Right. And that makes logical sense, especially given the fact that we're going to grow as a utility with the Buckman Direct Diversion and Aamodt.

COMMISSIONER SULLIVAN: Well, and also the ultimate goal with utilities is to be self-sustaining and to have them be enterprise funds, and your growth/land use is never going to be an enterprise fund.

MR. ABEYTA: Right.

COMMISSIONER SULLIVAN: But either way, I think you're on the right track personally. I think we need to reduce the number of department heads. I had to use the word streamline. I don't know if it's ever – streamlining government is an oxymoron, but something that works easier for us as a Commission and is easy for you is going to benefit.

MR. ABEYTA: Right. And Madam Chair, Commissioner Sullivan, it's pretty obvious as Bernalillo grew, instead of growing out this way, they grew out more like a triangle where new programs, they fit under one of the four boxes and that was the way they managed it. And we did the opposite over the 90s and now in early 2000, we got into the health area so we created a Health Department. We got into this area, so we created – so as a result, we landed up with nine, ten departments, which is a lot for any organization.

CHAIR VIGIL: Commissioner Montoya.

COMMISSIONER MONTOYA: Roman, the way I see this, and you've put it under opportunities and to me that describes reorganization, that's fewer departments and more efficient management. I like Bernalillo's. This first step at reorg we're actually increasing the number of departments instead of decreasing but I see where you're going with this eventually. I think the organizational chart that Bernalillo County has in terms of even their listings up there, we have two of them. ASD is essentially the Finance. Then community services, they have community services also. And I like the way they've broken up public safety and public works. I really think that Public Works needs to maintain its autonomy. I think there's too much there for it to fall under another category. It may get lost. So I think they should remain autonomous. Doesn't Bernalillo County have utilities?

MR. ABEYTA: Yes, and they all fall under Public Works. They combine their roads and utilities as they're all Public Works.

COMMISSIONER MONTOYA: So what is that? Okay, the Water Resource? Is that what they call their Utilities?

MR. ABEYTA: What box is that under?

COMMISSIONER MONTOYA: The checkered one.

MR. ABEYTA: Right. They've got water resources, real estate. And I think what they do is all their planning for all utilities, roads, fall in a section. But Public Works means both roads and utilities in Bernalillo County.

COMMISSIONER MONTOYA: So I like theirs and I'd like to see ours streamlined maybe to about four also.

MR. ABEYTA: Right. And the ASD right now, what that will do is that will provide instant relief for me. Because like I said, if you go to Risk, IT, they're reporting directly to me right now in addition to all the others. So that provides that instant relief and also that focus that we can get started on with these projects. But we'd be back in the next few months with these four.

COMMISSIONER MONTOYA: Okay.

MR. ABEYTA: So it would be a very short term that we'd have this many.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: Mr. Abeyta, one thing that stands out to me is Corrections. They take up, what? 46 percent of our general fund budget? And you're going to propose that they become a division under community services. How do you envision that working?

MR. ABEYTA: Right. Right now there's common funding between Health, Fire and Corrections as it is, so it makes sense. The challenge I'm going to have, not only with community services but with filling in the other boxes is who do I put in there? Because like I said, I've got really good department directors. For example, let's take community services. If you look at the existing department directors there, I don't know that we necessarily want to put one of them in charge of the whole thing because they're experts in their individual fields. So we could be looking at one or two extra FTEs to accomplish this. I think I do have some department directors that we may be able to tap as we expand and go out into working on a larger area, but that's going to be a challenge, is to find the right person who can oversee all of this one area.

CHAIR VIGIL: I was just wondering, would Teen Court make any sense to be under Legal at all? It's a program that functions in and of itself. It's its own program so to speak. Or ASD? Because I guess I'm having difficulty connecting Teen Court with Health, Fire and Corrections. Maybe you can explain the connections.

MR. ABEYTA: Madam Chair, the connection is it's a community service we provide. But you're right. Teen Court's reporting to me right now and it's pretty low maintenance. It's a good program. I did have issues in the beginning. There were some personnel issues and things we had to get over but right now it's really not that difficult. But our thinking was it really is a community service that we provide and that's why we put it under community services.

CHAIR VIGIL: Okay. Any other questions? Roman, what do you need from us tonight?

MR. ABEYTA: Madam Chair, I actually just needed direction. I don't have an action item on the agenda. I will have one though in two weeks regarding an ASD position. I do have a vacant position in my department now in the Manager's office, a special projects coordinator that I could use to help fund this FTE, because that's the other thing I want to try to accomplish with this is I want to be as budget-neutral as possible. I think that's really important and I think I may be able to do that, especially if I utilize existing people that we have on staff now.

CHAIR VIGIL: Okay. Are there any statements of direction? Or do you feel you have enough?

MR. ABEYTA: Madam Chair, I'm going to proceed with four departments then. I'll bring forward an ASD immediately and then within 30 to 60 days after that I'll try to bring forward the four departments and then my goal is for July 1 then to have the structure in

place. So we'll start preparing ourselves, especially when it comes to budget. In 07-08 we'll have four departments.

CHAIR VIGIL: Okay. Thank you. Are there any updates on various issues?

XII. D. 3. Update on Various Issues

MR. ABEYTA: Thank you, Madam Chair. A couple of brief items. One is I do have – we're prepared an open letter to Santa Fe County regarding our water strategy because we have received a lot of e-mails and phone calls and questions. We have something that we want to put out. I'll put it in your mailboxes and I'll check with you tomorrow. I could also e-mail it to you so that if there's any comments, and then I would just need to know whether or not you want that letter to come from the BCC, the Chairperson or the County Manager. But I'll provide that to you.

The only other item I have is a few months ago we had a presentation from the Corrections Advisory Committee. They gave the Commissioners a letter that basically asked for direction as to whether or not you would like that committee to continue to operate. I've attended a meeting of the Corrections Advisory Committee. I think it's a good committee. I think it's something we should continue to do. We need two more members to be appointed to that committee, so it would be my recommendation to the Commission that we continue to work with that committee. They have good people that are helping us with advice and suggestions for the jail. We've had productive meetings, especially over the last two or three months and I would like to see that we continue with that. So if it's okay with the Commission I would like to draft a response to the letter and then I'll run it by the Commission and we'll get fully staffed as far as appointments to that committee. And we could even provide them with some direction on items we would like them to focus on over the next 12 months.

CHAIR VIGIL: Very good. Are there any statements to the contrary?
Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I just wanted to thank the Manager for the insert that was put in the paper the other day on updating the County residents. I think that was a good idea. I didn't get a chance to read it all but each Commissioners had different points on what was happening and I think that's good to inform the public. So thanks for doing that.

CHAIR VIGIL: Thank you. No statements to the contrary, Roman. Please move ahead on other items.

MR. ABEYTA: Madam Chair, the last thing I have is I'll need to discuss with the Commission regarding strategic planning and how we'll proceed since we are losing Beth Mills. We'll need to talk about the next steps. I am talking to Beth about her recommendations as to what to do with that position, so I'll be talking with you individually on that, getting your ideas over the next couple of weeks.

COMMISSIONER MONTOYA: Madam Chair, I'd like to ask Roman, could you get me the minutes – I think they're a couple, 2 ½ years ago probably, the minutes of the

meeting in which we were discussing capital outlay projects. Because I still feel like District 1, as much as it seems like they were getting the benefit of this particular water situation. \$46 million is going into Buckman, of which District 1 constituents receive zero benefit whatsoever. I guess \$500,000 is \$500,000 but in comparison to \$46 million it's not even a drop in the bucket. So I'd appreciate that information on those minutes to share with the rest of the Commission.

MR. ABEYTA: That's all I have, Madam Chair.

XII. E. Matters from the County Attorney

1. Request Approval of Franchise Agreement Between Santa Fe County and Entranosa Water & Wastewater Association for Use of County Right-of-Way

MR. ROSS: Madam Chair, we're going to keep it short. We have one kind of housekeeping matter which Ms. Glick will handle. It concerns an outstanding franchise agreement with Entranosa which is expiring. And the second matter is just a public hearing on an ordinance we've already talked about a little bit and we can talk, when you get through those whether you want to have a closed session or not.

CHAIR VIGIL: Please proceed.

CAROLYN GLICK (Assistant County Attorney): Before you is a franchise agreement between the County of Santa Fe and the Entranosa Water and Wastewater Association. Entranosa sought the franchise agreement after its previous franchise agreement with the County expired on December 7, 2006. The agreement before you grants Entranosa a non-exclusive franchise to install, remove, alter, extend, lay, operate or maintain its water pipes, hydrants, valves and other equipment upon, across or under County rights-of-way. The agreement does not impose a franchise fee on Entranosa for its right to use County rights-of-way. The previous agreement did impose a franchise fee. However, this franchise fee was never collected by the County from Entranosa. Because it has never been collected, I did not include a franchise fee in the new agreement.

That's all I have. John Jones, who is the Chief Operating Officer of Entranosa is here if you have any questions of him.

CHAIR VIGIL: Questions? Commissioner Campos.

COMMISSIONER CAMPOS: Ms. Glick, you said we had had a franchise fee, but we never collected it, right?

MS. GLICK: That's correct.

COMMISSIONER CAMPOS: Do we have an idea of how much we've never collected?

MS. GLICK: I don't.

COMMISSIONER CAMPOS: What about the future? You say that it's ordinary to charge a three to four percent franchise fee and it's done in other jurisdictions.

MS. GLICK: That's correct.

COMMISSIONER CAMPOS: But you're choosing not to do so in this case. What's the rationale?

MS. GLICK: I chose not to include it in there simply because we hadn't collected it for 25 years.

COMMISSIONER CAMPOS: But we could do it prospectively, and that could generate income, and that income would be general fund income, I'm assuming.

MS. GLICK: I don't know the answer to that.

COMMISSIONER CAMPOS: I'm not sure how much it would generate, maybe nothing. Maybe it would just be harder to administer than anything else, but it's a revenue source and today you saw our struggle on the revenue issues. I don't know. I don't know if it's worth pursuing or not. Mr. Abeyta, do you have any comment?

MR. ABEYTA: Madam Chair, Commissioner Campos, no.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: I'll yield to Steve.

CHAIR VIGIL: Steve, did you want to respond?

MR. ROSS: Well, Madam Chair, insofar as the previous agreement is concerned, number one, it's expired and number two we probably had a duty to take some action during those 25 years with respect to the uncollected franchise fees. So I'm skeptical with respect to the previous agreement that we could reasonably expect to collect anything from those 25 years. So I guess I'd urge the Commission to look forward and focus on this agreement - focus on the question whether we want to charge a franchise fee or not for this particular service.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya, then Commissioner Campos.

COMMISSIONER ANAYA: Steve, explain the franchise fees. Is that when Entranosa digs on our County road or installs a conduit and then we benefit from that through a number of years, or how does that work?

MR. ROSS: Madam Chair, Commissioner Anaya, a franchise is permission to use County right-of-way to lay your pipes in permanently. So a fee is sometimes charged for that privilege.

COMMISSIONER ANAYA: So an example of how much? Is there a number out there?

MR. ROSS: Well, Ms. Glick said that sometimes some entities charge up to four percent a year.

COMMISSIONER ANAYA: On what?

MR. ROSS: Gross revenues.

MS. GLICK: The annual gross revenue for the franchise fee.

COMMISSIONER ANAYA: Okay. I see.

CHAIR VIGIL: Commissioner Campos.

COMMISSIONER CAMPOS: We've got to keep in mind that when people tear

up the roads, they do patch them up but eventually the roads deteriorate quicker than they would otherwise. And it goes to capital expense. I think we need to think about this a little bit more. Maybe we need a little more staff input, because there are costs associated with people digging roadways and rights-of-way. These roads deteriorate much quicker, I think, and they do add to the expense of the roadway.

CHAIR VIGIL: Any other questions? Steve, did you say we have a duty to collect on these franchise fees and we haven't done so?

MR. ROSS: What I was responding to, Madam Chair, was Commissioner Campos' concern that we hadn't collected for 25 years under the previous agreement and I was giving kind of an off-hand view of how difficult it might be to collect 25 years worth of franchise fees at this point, having never made demand on them.

CHAIR VIGIL: Right. And what is the term of this agreement, Carolyn?

MS. GLICK: Madam Chair, it's 25 years.

CHAIR VIGIL: It would make sense to me that we probably do need some additional information. I think Santa Fe County needs to do more in-depth work on our franchise agreements, not only for easement agreements but also for utility services and Comcast services and all of that. We really haven't had anyone who's specialized in that. It would be good to have a sense of a fair market value for this. Do you know what that might be, Carolyn?

MS. GLICK: Again, I spoke to an attorney who's negotiated many franchise agreements and she said that other counties, if they charge a franchise fee, three to four percent of gross revenue.

CHAIR VIGIL: Okay. Any other questions? Commissioner Anaya.

COMMISSIONER ANAYA: Do we, Madam Chair, Steve or Carolyn, do we have any other franchise fees that we deal with in the county, other than that?

MR. ROSS: Madam Chair, Commissioner Anaya, I don't know. This is the first one that's come up since I've been here. I suspect some of the cable companies. They're pretty good about coming in and asking for franchises.

COMMISSIONER CAMPOS: Do we collect the money?

MR. ROSS: I don't know.

COMMISSIONER CAMPOS: That's a good question.

COMMISSIONER SULLIVAN: We do on that.

CHAIR VIGIL: Is this Commission interested in tabling this item to get some more information in terms of what might be fair and equitable?

COMMISSIONER SULLIVAN: Madam Chair, I have to leave, but we have a representative from Entranosa here and I'd just like to hear if he's got a couple of comments and what they're gross revenues are, what that would mean -

CHAIR VIGIL: Sir, would you care to address the Commission on those items?

JOHN L. JONES: Good evening. My name is John L. Jones. I'm the Chief Operating Officer for Entranosa Water and Wastewater Association, P.O. Box 2380 in Tijeras.

COMMISSIONER SULLIVAN: Is there anything, Mr. Jones, you wanted to

add to the discussion?

MR. JONES: Well, it's been Entranosa's pleasure to serve residents of Santa Fe County the past 25 years, since we were incorporated in 1981. I look forward to doing it for 25 more years. Entranosa has become a regional system. We serve the County of Santa Fe, the Town of Edgewood and the County of Bernalillo. We're fairly expansive. We cover about 175 square miles in those three jurisdictions, with about 2850 residential meters installed. In the County of Santa Fe it's probably 700 residential meters.

COMMISSIONER SULLIVAN: And if there were a fee, I'm not clear whether this would be a fee on the gross revenues of the franchise or on the revenues that would be applicable to Santa Fe County. Do you -

MR. JONES: I have a view.

COMMISSIONER SULLIVAN: You have a view on that. How does that normally operate? Only a quarter of their users are in the county?

MS. GLICK: Madam Chair and Commissioner Sullivan, I don't know. I'd have to look into that.

MR. JONES: Madam Chair, Commissioner Sullivan, as an equity issue I would think it would be on gross revenue of those Santa Fe County meters.

COMMISSIONER SULLIVAN: Yes.

MR. JONES: You always receive our gross receipts tax on those. If it's two percent or four percent, we'd just tack that onto the bill and send you a check.

COMMISSIONER SULLIVAN: So what are your gross revenues?

MR. JONES: We average about \$35 per meter per month. So whatever that works out to for 700 meters.

COMMISSIONER SULLIVAN: It's too late for me to do the calculations.

CHAIR VIGIL: While he's doing that, do you currently have a franchise fee in your billing?

MR. JONES: No. We serve Edgewood and Bernalillo County. We've not been assessed a franchise fee by anyone.

CHAIR VIGIL: How many customers do you have in total?

MR. JONES: 2,850 meters.

CHAIR VIGIL: And why is it necessary, or is it necessary to enter into a 25-year agreement?

MR. JONES: I understand that's standard.

CHAIR VIGIL: For franchise fees?

MR. JONES: For franchise agreements.

COMMISSIONER SULLIVAN: I get about \$300,000.

MR. JONES: As gross revenue?

COMMISSIONER SULLIVAN: In the county, exclusive of Edgewood.

COMMISSIONER CAMPOS: That's' not a lot.

MR. JONES: Other than that, I'm not asking for any money from you like everybody else.

COMMISSIONER SULLIVAN: Well, that's a change.

CHAIR VIGIL: I would like more information. I'll just throw that out. My concern is that Santa Fe County has entered into franchise agreements without doing a full and fair evaluation of the agreement itself and they're such long-term agreements that we're stuck with it. I know we are with Comcast and I just would like further analysis in terms of what would be in the best public interest, with regard to this. Any further comments? I would just motion for tabling then, so that we could get some analysis with regard to that. What other franchise agreements? I know we have Comcast but there may be some others out there that we're just not cognizant of tonight, and consider this – is this time-sensitive?

MR. JONES: I'm okay with it if you are. As long as you don't make me take my pipes out of the ground we'll keep doing what we do.

COMMISSIONER CAMPOS: Second.

CHAIR VIGIL: There's a motion to table and a second. We need to vote on the motion to table without discussion.

The motion to table consideration of the franchise agreement with Entranosa passed by majority 4-1 voice vote with Commissioner Sullivan voting against.

CHAIR VIGIL: So that we can consider this with our next administrative meeting with a little further analysis, perhaps even – and Roman, you would be the best person to assign that to. I'd like to see some legal analysis with regard to this. We will be back.

XII. E. 2. Consideration of an Ordinance Amending Ordinance Nos. 1996-10 and 1998-15, the Santa Fe County Land Development Code, Article III, Subsection 2.3.9b and Article III, Subsection 8.3.8, Relating to the Underground Placement of Utility Lines (First Public Hearing)

MR. ROSS: Madam Chair, I'll just give you a brief introduction to this. We talked about this a few meetings ago. This is the ordinance that you authorized for publication concerning the possible division of the responsibility for placing utility lines above ground or below ground respectively. This proposed ordinance would permit certain types of utility lines to be placed above ground that are now required to be placed below ground. What Rachel has handed out to you, and I apologize for the previous ordinance being the ordinance that you authorized publication of not being in the packet. This is that ordinance with some amendments that were suggested during the discussion last time by Commissioner Sullivan and those amendments you'll find there under paragraph 3 at the bottom of the first page, and it relates to the requirement or the proposed excusal in the earlier draft from height restrictions for above ground utility lines.

I found out when talking to Penny Ellis-Green of the Land Use Department in

connection with the Code rewrite, they've already had this discussion with PNM so we included that language in here and this is what Commissioner Sullivan was asking for were not just a blanket excusal of height limitations but some standards. So you'll see that for distribution lines, the limit set forth in the proposed ordinance is 40 feet, and those are lines whose voltage is less than 46 kilovolts, the ordinance proposes that poles holding those types of lines not exceed 40 feet in height. The ordinance also says that for high voltage transmission lines equal to or above 46 kilovolts the poles have to be at a height that protects the public from the EMF that's emanating from those lines. So those obviously would have to be somewhat higher but it would be dependent on engineering that would be developed in connection with the application, by the applicant.

We have, as of yesterday, received a few comments from the Public Service of New Mexico Company concerning the language and we didn't have time to deal with those comments before tonight's public hearing but we will work with those folks in the next couple weeks and make sure we've addressed their concerns. They're kind of our partner in this. As you recall, the genesis of this proposed ordinance was a staff position at the PRC which was a little bit alarming. And we've discussed this a little bit in the past. So this is the first public hearing. We'll have two public hearings on this one. The next one will be advertised for a night meeting. This of course has turned into a night meeting also. With that, I'll stand for any questions.

CHAIR VIGIL: Questions? Seeing, hearing none, this is the first public hearing.

[Commissioner Sullivan left the meeting.]

J.J. GONZALES: My name is J.J. Gonzales. My address is 54 Entrada La Cienega. Madam Chair and Commissioners, we're opposed to making amendments to the ordinance. The notice, I happened to see the notice in the paper last night and as you see here, I think I'm the only one who saw the notice. I called a couple of people this morning but they were tied up. I know the undergrounding of electrical lines has been a very hotly contested issue. The last few meetings we had concerning underground utilities, I think there were -- in Eldorado there were several hundred people that were opposed to it. La Cienega, the last time this issue came up there were 15 or 20 people that came here and they were opposed to it.

And I was surprised. I got a copy of this ordinance and it looks like PNM wasn't satisfied with the results that they're getting from the different committees and the Board of County Commissioners. I guess they went to the PRC and decided that since they were required to follow the Code of Santa Fe County to do replacement lines underground, they'd just talk to the PRC and use their influence and try to change the Code, and that seems to me very unfair. I look at this Code, and I know in the past that they've been required to do underground. They came here for variances, the variances were denied, but if you see the new ordinance, at the last page, Section 8.3-8, it says that an applicant who sought but was denied permission to install an electric utility above ground prior to the effective date of this ordinance, may apply to the Code

administrator for permission to install the electric utility line above ground.

Now that to me – this Commission made decisions in December and January asking PNM to do underground. Their variances were denied. Adopting this new ordinance says that the decisions you have made in the past are overturned. To me that is very unfair. That just doesn't seem to be right.

Also, in La Cienega we have some very serious problems. We have some very aging utility lines and we have concerns that they want to rebuild them but they want to rebuild them mostly on private property. We've asked them, take those lines and put them on public right-of-way and public easements. It seems that that's not what they want to do. So I would just ask you to deny, or not to change the ordinance, to leave the existing ordinance in place. And have PNM come back and deal with what they have to deal with Santa Fe County Code. And basically, that's all I have. Thank you very much for your time.

CHAIR VIGIL: Thank you, Mr. Gonzales. Any one having any questions for him? Thanks. Is there anyone else out there that would like to address the Commission? Seeing none, I do have a concern. This was amended in the agenda, I'm sure within the appropriate time, but it is an ordinance that the public is interested in. I wonder – based on the fact that it was amended, a lot of people out there didn't get – they probably got the legal notice but that's not always sufficient. And it is an ordinance that the public is interested in.

MR. ROSS: Madam Chair, we are under some very strict deadlines to get this taken care of.

CHAIR VIGIL: By the Commission?

MR. ROSS: By the Public Regulation Commission. That's correct.

CHAIR VIGIL: He's under strict guidelines by the PRC to get this done. I guess that's another topic of discussion. Are there any other questions? This is the first public hearing. No action is required to be taken on it. Will the next public hearing be at our next administrative meeting?

MR. ROSS: No, Madam Chair. It will be on a land use agenda.

CHAIR VIGIL: So it will be the first week in March?

MR. ROSS: I'm not sure when it was advertised for but it's going to be the land use meeting, either March or April.

CHAIR VIGIL: Do you have a response on that, Rachel?

MS. BROWN: Madam Chair, it will be on March 13th.

CHAIR VIGIL: March 13th. Thank you very much.

XIII. ADJOURNMENT

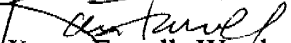
Chair Vigil declared this meeting adjourned at approximately 7:10 p.m.

Approved by:



Board of County Commissioners
Virginia Vigil, Chair

Respectfully submitted:



Karen Farrell, Wordswork
227 E. Palace Avenue
Santa Fe, NM 87501

ATTEST TO:



VALERIE ESPINOZA
SANTA FE COUNTY CLERK



SFC CLERK RECORDED 04/11/2007

COUNTY OF SANTA FE) BCC MINUTES
STATE OF NEW MEXICO) ss PAGES: 153

I Hereby Certify That This Instrument Was Filed for
Record On The 11TH Day Of April, A.D., 2007 at 14:59
And Was Duly Recorded as Instrument # 1478348
Of The Records Of Santa Fe County



Deputy Marcella Salazar Witness My Hand And Seal Of Office
Valerie Espinoza
County Clerk, Santa Fe, NM

SANTA FE
BOARD OF COUNTY COMMISSIONERS
MEETING
February 27, 2007

- Virginia Vigil, Chairman
- Jack Sullivan, Vice Chair
- Michael Anaya
- Paul Campos
- Harry Montoya

The New Mexico Health Security Act

- This legislation has evolved over many years – becoming stronger with **input** from organizations and various interests around the state.
- It is a **New Mexico solution to our health care crisis.**

The Health Security Act:

- Sets up **our own New Mexico health insurance plan** that is based on the old-fashioned concept of insurance, where approximately **1.6 million** young, old, healthy and the not-so-healthy New Mexicans **share the risk.***
- **Exclusions:** military personnel, and federal retirees maintain their own plans. Tribes and plans covered under ERISA have the option to join.
- Creates an **independent non-governmental Commission** to administer the Health Security Plan. This Commission is **geographically representative** and **publicly accountable.**
- **Maintains the private delivery system.**
- **Does not require new taxes.**
 - ❖ The Health Security Plan is paid for by combining **existing public dollars** spent on health care (Medicaid, Medicare) with **premiums based on income and employer contributions (with caps).**
 - ❖ Counties decide how their indigent funds could be used under this system.
- **Requires a go-slow approach** to develop and implement the Health Security Plan.
 - ❖ Year 1: **analysis of the cost – with public input.** If the financial costs are too much and not approved by the Legislature, the Health Security Plan **will not go into effect.**
 - ❖ Years 2 & 3: If the numbers look good, it is estimated that working out the details of the Health Security Plan **with public input** from around the state will take **two more years.**

The Plan Guarantees:

- Health care coverage for all New Mexicans, **regardless of age, income, employment, or health status.**
- Freedom of **choice of doctor** and hospital within the state and **across state-lines.**
- Comprehensive benefits, **no less than those offered to state employees.**
- **Protections for retirees** so they will not lose what they already have.

* According to numerous state studies, including one completed for New Mexico, pooling state residents will result in a reduction of health expenditures by billions of dollars.

Santa Fe County

Strategic Plan 2007

Internal Analysis and

Integrated Growth Management

February 2007

Time for Change

- **Growth in the Unincorporated Area**
- **Addition of the Jail**
- **Changing Demographics**
- **Threats to Rural Districts**
- **Technological Advances**

County Resolution 2006-58

- **Prioritization of Projects to Inform Budgetary Process**
- **Internal Reorganization to Support Implementation of the Plan**
- **Integrated Growth Management Planning**

Vision Statement

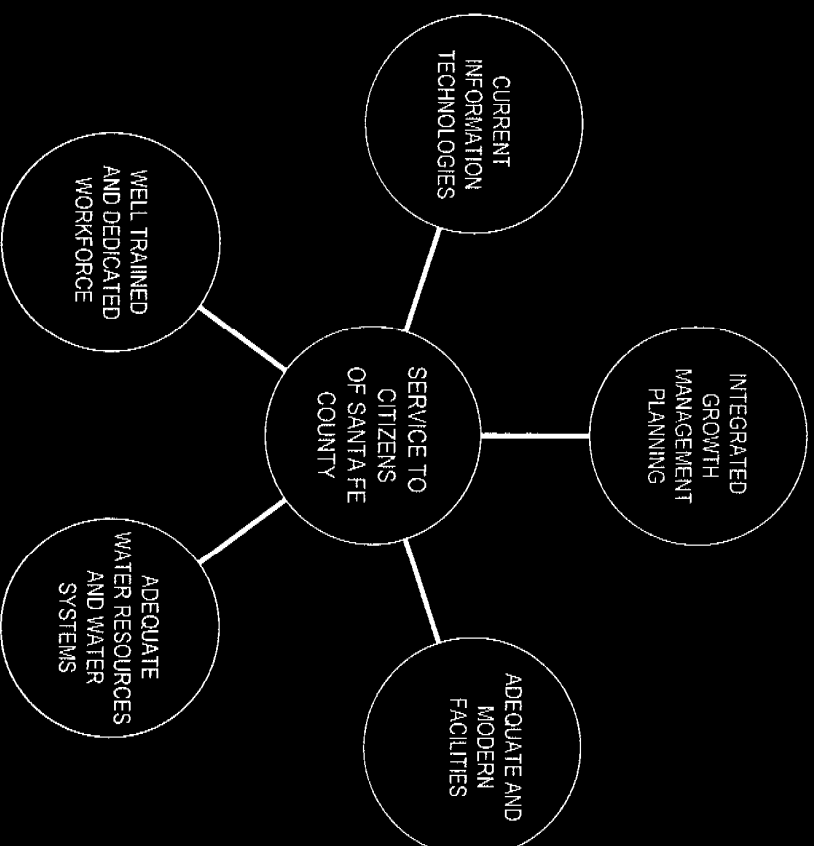
Santa Fe County government will be easily accessible and responsive to its citizens.

The work environment will be nurturing and supportive and county facilities will be adequate to meet both staff and public needs.

Integrated growth management planning will ensure that all citizens are adequately served and that resources are carefully managed.

Modern information technologies will assist in making good policy decisions and will assure efficient public access to county information.

Values Guiding the Strategic Plan



Action Items

Data, Technologies, and Information Resources

1. Fully staff the IT Division
2. Designate or Construct a Training Room.
3. Update and Interface GIS and Business Applications
4. House GIS and IT Staff together in an Administrative Services Department or "Cluster"

Action Items

Workforce Development

1. Streamline Professional Action Forms
2. Build a Satellite Office Program
3. Implement a New Payroll Service
4. Identify a Facility and Staff for a Daycare Center for Children of Employees
5. Create Workforce Housing Opportunities for County Employees

Action Items

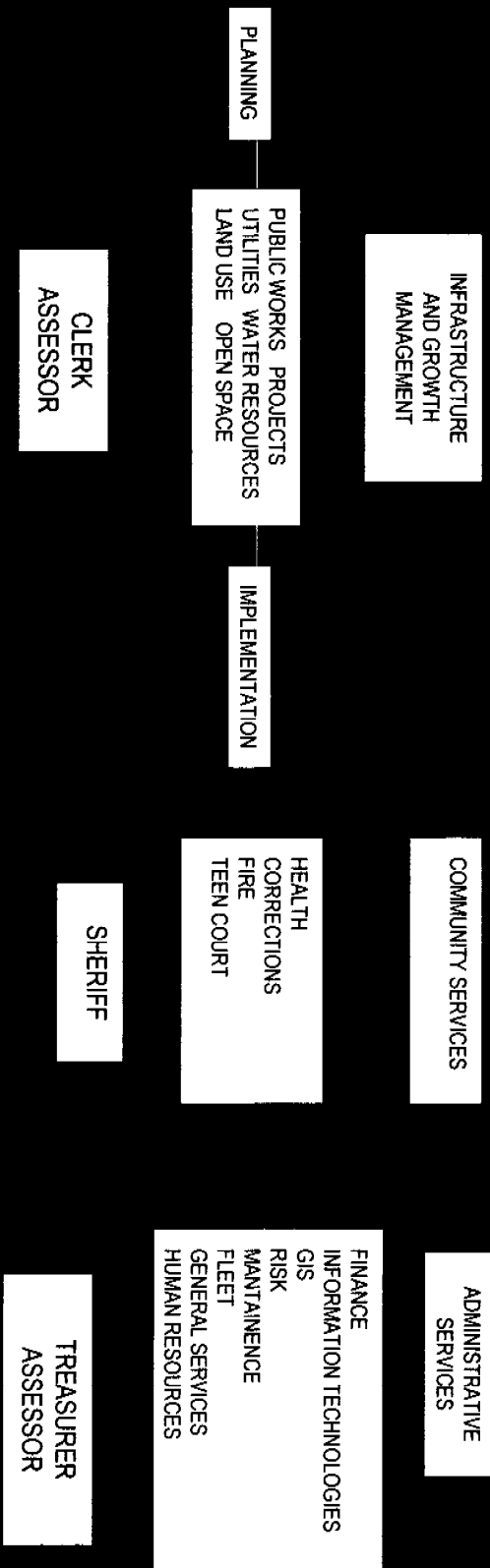
Facilities

1. Define Process to Support Ongoing Projects
2. Secure Funding for Administrative Cost and Long Term Maintenance for Facilities
3. Build the Judicial Complex
4. Allocate Space in New Facilities at Judicial Complex and Public Works Building
5. Establish Appropriate Satellite Offices
6. Conduct Space Needs Analysis for Corrections
7. Work with the City to Secure Parking

Action Items

Internal Operations

Reorganize the Essential, Core, and Internal Support Services to Realize Integrated Growth Management Planning and other Goals of the Strategic Plan



SYNTHESIS OF INTERNAL ACTIONS 2007

1. A satellite office program should be initiated and evaluated. (Facilities, Information Technologies, Land Use, Clerk)
2. Complete space allocation plans for the new judicial complex, new public works building, and adjusted space allocation for existing buildings. Include a training room / library and space for a daycare facility in the plans. (Human Resources, Information Technologies, Projects, Facilities)
3. Information Technologies should be fully staffed and expanded.
4. County reorganization should be completed. Create an Administrative Services Department that includes IT and GIS. Group staff who work on infrastructure and growth management in one department, under the same leadership. (Land Use, Projects, Facilities, Open Space, Utilities, Water Resources, Public Works)

EXTERNAL ANALYSIS

Growth Management Planning

- Strategic Planning Tool that Addresses the Timing and Phasing of Development
- Requires Water Resources, Utilities, Open Space, Public Works, Emergency Services, and Land Use to Work Together (Integrated)
- Action Items Must Be Tied to Infrastructure Funding Opportunities

Action Items

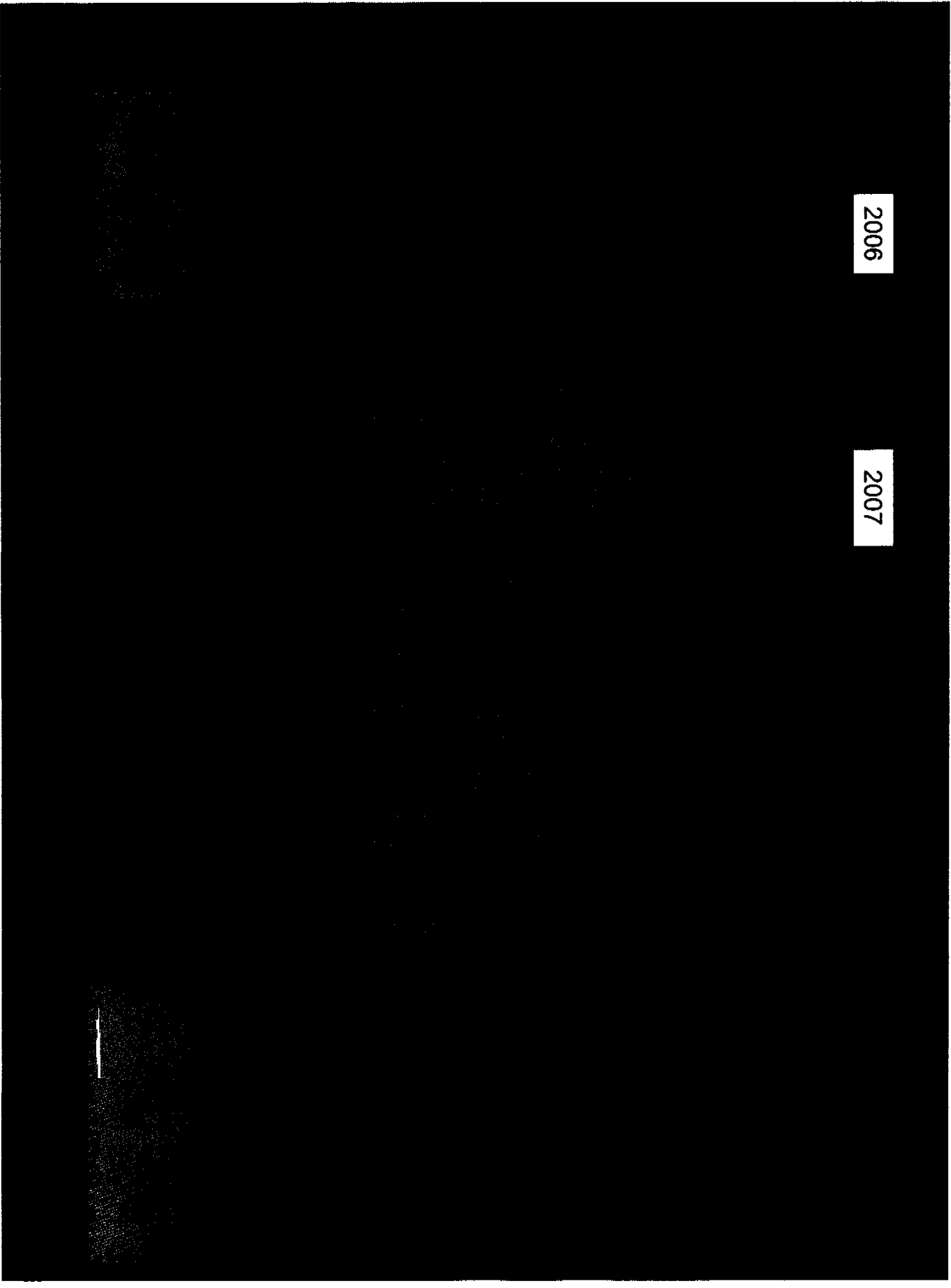
- Tie County Land Use Planning to Water Resources, Utility, and Transportation Planning through an Internal Reorganization
- Support the Regional Planning Authority's Decisions on Annexation and Eliminate the EZ
- Adopt a Directed Growth Management Strategy for the Identified (sprawling) Areas Immediately South, North, and West of the City
- Examine and Adjust the County Water Service Areas and Allocation of County Water to Support the Directed Growth Management Strategy

ACTION ITEMS

- Assess the Emergency Service Needs, Solid Waste Facility Needs, and Road Maintenance Demands in the County Portion of the Espanola and Edgewood Metro Areas
- Define a Conservation Area in the Gallisteo Basin in Cooperation with the Gallisteo Watershed Partnership and Public Agencies
- Implement a Rural Land Development Process that Supports Working Landscapes and Minimizes Impact to Watershed Capacity, Wildlife, Cultural Resources, and Views for Ranches and Large Acreages in Transition

2006

2007



STRATEGIC PLANNING CALENDAR

SEPTEMBER Strategic Planning Retreat with BCC and Appropriate Staff (State of the County Report, Progress on Previous Year's Short List, Agreement on Goals and Projects for the Next Year)

OCTOBER Strategic Plan Modified and Adopted

NOVEMBER – JANUARY Each Department Uses a Template to Develop Goals, Objectives, and Actions to Implement the Strategic Plan

LATE JANUARY Strategic Planning Orientation for New Commissioners

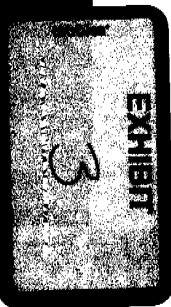
FEBRUARY Build Budget Based on Strategic Plan

MARCH Short Retreat Following Budget Review: Review Progress and Identify What Needs to Be Done Before the End of the Year

Throughout the Year: Staff Reports and BCC Presentations Shall Indicate if a Proposal is Consistent with the Strategic Plan

Santa Fe County Projects

March 2007



Santa Fe County Projects

<u>Water Resources</u>	<u>Public Works</u>	<u>County Manager/ County Wide</u>	<u>Fire</u>	<u>PFMD</u>
<ul style="list-style-type: none">■ Water■ Wastewater■ Sewer Lines	<ul style="list-style-type: none">■ Roads■ Transfer Stations■ Capital Improvements	<ul style="list-style-type: none">■ Commission Action Request■ Strategic Planning■ Department Projects	<ul style="list-style-type: none">■ Stations■ Apparatus■ Remodel / Stations	<ul style="list-style-type: none">■ Non-Profit■ Court House■ County Buildings■ Small Water Projects■ Fire Stations

San Mateo County Projects

Water Resources - Water/Waste Water / Funding Source Overview

<u>Funding Source</u>		
<u>Gross Receipts Tax</u>		
Capital Outlay GRT - County		\$11,813,000
Capital Outlay GRT - Regional		\$12,167,000
<u>General Obligation Bond</u>		
GOB Series 2005		\$3,039,000
GOB Series 1997		\$1,027,000
Future GOB Series		<u>\$41,000,000</u>
Total Available GOB Funding		\$45,063,000
Total Funding Available for Water Projects		\$69,043,000
<u>LESS: Buckman Direct Diversion Project</u>		
<u>GOB Proceeds:</u>		
FY 2006		\$5,000,000
FY 2007		\$20,000,000
FY 2008		<u>\$21,000,000</u>
Capital Outlay GRT:		\$46,000,000
FY 2006		\$4,500,000
FY 2007		\$4,500,000
FY 2008		<u>\$4,500,000</u>
Total Funding Available After BDD Project		\$13,500,000
		\$9,543,000

Santa Fe County Projects

Priority Criteria for Funding

Water / Waste Water Projects

- 5 Points - Leverage – State / Federal Matching Funds
 - 5 Points - Health & Safety
 - 5 Points - Project Readiness – Easements, MOU's, JPA's, etc.
 - 5 Points - People Served
 - 5 Points - Construction Started
- 25 Possible Total Points

Santa Fe County Projects

Water Resources - Water/Water Projects

<u>Projects</u>	<u>Estimated Completion Date</u>	<u>Funding Source</u>	<u>Estimated Cost</u>	<u>Priority Criteria</u>	<u>Status / Comments</u>
County Well Program (City Project) <ul style="list-style-type: none"> ■ Agua Fria CC Water Hookup ■ Public Works Well ■ Valle Vista Replacement Wells 			\$2,000,000	25 Points	On-Going On-Going Nearly Completed
Valle Vista Water System Upgrade (City Project)			\$1,200,000	25 Points	Well System / On-Going
Valle Vista WWTP (City Project)			\$2,000,000	20 Points	Feasibility Study / On-Going
Valle Vista Sewer Lines (City Project)			\$1,000,000	20 Points	Submitted to Procurement
Pojoaque Valley WWTP (Joint Project)			\$1,000,000 Committed	20 Points	JPA w/ Pojoaque Pueblo State Funding
Chimayo MDWA (Joint Project)			\$1,400,000	15 Points	JPA Required
Canoncito MDWCA Water Line (Joint Project)			\$1,200,000	10 Points	JPA Required / Possible Acquisition
Total Cost of Projects					\$9,800,000

Santa Fe County Projects

Water Resources – Water / Waste Water Projects

<u>Projects</u>	<u>Estimated Completion Date</u>	<u>Funding Source</u>	<u>Estimated Cost</u>	<u>Priority Criteria</u>	<u>Status / Comments</u>
Cuatro Villas MDWA (Joint Project)			Unknown		JPA Required
El Vadito de los Cerrillos Water (Joint Project)			\$8-10 Million		JPA Required
La Cienega Lift Sta. & Lines (Cty Project)			\$500,000		To go to Valle Vista WWTP
Chupadero MDWA (Joint Project)			Unknown		JPA Required
La Cienega Loop Line (Cty Project)			\$500,000		With or Without hookups
WWWTP (Cty Project)			\$1,000,000		Immediate Funding Not Necessary
Sombrillo Sewer Lines			\$500,000		JPA Required
Eldorado Water Line (Cty Project)			\$3,000,000		At Legislature
Eldorado WWTP (Cty Project)			\$60,000,000		Potential as Joint Project
Edgewood WWTP (Joint Project)			\$7-12 Million		JPA Required / Funding Municipality Infrastructure

Santa Fe County Projects
Public Works - Roads / Funding Source Overview

<u>Funding Source</u>		
<u>Road</u>		
<u>General Obligation Bond</u>		
GOB Series 2005		\$3,818,199
LESS: Expended & Encumbered		<u>\$2,581,838</u>
	Available Balance -- Series 2005	\$1,236,361
<u>Capital Outlay Gross Receipts Tax</u>		
Capital Outlay -- County		\$267,000
Less Speed Hump Projects		<u>\$150,000</u>
	Total Funding Available for Roads	\$1,353,361
<u>Total Needs for Roads Projects</u>		
Term Employees		\$35,229
CR 85-A Project		\$40,000
CR 84 Low Water Crossing Project		<u>\$6,250</u>
	Total Funding Requires to Complete Road Projects	\$81,479

Santa Fe County Projects Public Works Department

<u>Projects</u>	<u>Estimated Completion Date</u>	<u>Funding Source</u>	<u>Current Committed Amount</u>	<u>Current Budget Balance</u>	<u>Estimated Cost</u>	<u>Status / Comments</u>
Encantado Loop	Spring 2007	2005 GOB	\$180,583	\$0	\$0	Under Const./Chip Seal Spring
County Road 86-A	Spring 2007	2005 GOB	\$30,555	\$0	\$0	Under Const./Pave in Spring
County Road 86-B	Spring 2007	2005 GOB	\$51,042	\$0	\$0	Under Const./Pave in Spring
County Road 55-A	June 30, 2007	2005 GOB	\$44,540	\$0	\$0	Design 50% Complete Need Const. Funds
County Road 42		2005 GOB	\$167,246	\$0	\$0	Design 90% Complete Need Const. Funds Estimated \$4.5 Million
County Road 85-A (Tano West)	Spring 2007	2005 GOB	\$40,000	\$0	\$0	City portion for cost of construction
County Road 55	95% Comp	2005 GOB State Leg.	\$293,639 \$170,000	\$0 \$0	\$0 \$0	Under Const./Chip Seal Spring

Santa Fe County Projects

Public Works Department

Projects	Estimated Completion Date	Funding Source	Current Committed Amount	Current Budget Balance	Additional Funding Required	Status / Comments
County Road 70	June 30, 2007	2005 GOB 2006 NMDOT Coop	\$242,580 \$104,000	\$0 \$0	\$0 \$0	Proj Complete/Finish Guardrail
County Road 67-A	June 30, 2007	2005 GOB 2006 NMDOT Coop	\$0 \$0	\$6,439 \$8,148	\$0 \$0	To be Paved in Spring
County Road 68-A	June 30, 2007	2005 GOB 2006 NMDOT Coop	\$39,955 \$44,974	\$0 \$0	\$0 \$0	To be Paved in Spring
Cibola Circle	June 30, 2007	2005 GOB 2006 NMDOT Coop	\$53,677 \$63,963	\$0 \$0	\$0 \$0	Under Const./Chip Seal Spring
Taylor Loop	June 30, 2007	2005 GOB 2006 NMDOT Coop	\$61,745 \$58,342	\$0 \$0	\$0 \$0	Under Const. Pave in Spring

Santa Fe County Projects Public Works Department

<u>Projects</u>	<u>Estimated Completion Date</u>	<u>Funding Source</u>	<u>Current Committed Amount</u>	<u>Current Budget Balance</u>	<u>Additional Funding Required</u>	<u>Status / Comments</u>
County Road 56	Dec 30, 2007	2007 NMDOT Coop GRT/GF	\$0	\$253,462.88	\$0	Rec. Agree. 2/07 Budget 3/07 BCC
County Road 67	Dec 30, 2007	2007 NMDOT Coop GRT/GF	\$0	\$95,781.75	\$0	Rec. Agree 2/07 Budget 3/07 BCC
County Road 84	June 30, 2007	State Leg. 2005 GOB	\$166,271 \$144,249	\$0 \$0	\$0 \$0	Const. to begin 3/12/07
South Meadows	June 30, 2008	State Leg. 2005 GOB Other	\$20,000 \$279,469 \$0	\$0 \$0 \$0	\$0 \$0 \$3,500,000	Design 90% Need Const Funds
Agua Fria Phase III	June 30, 2010	State Leg. 2005 GOB Other	\$0 \$139,123 \$0	\$67,067 \$0 \$0	\$0 \$0 \$2,750,000	Design 100% Need Const Funds Est. \$2.75 Million
County Road 60	June 30, 2010	State Leg.	\$0	\$100,000		To be Paved in Spring

Santa Fe County Projects

Public Works Department

<u>Projects</u>	<u>Estimated Completion Date</u>	<u>Funding Source</u>	<u>Current Committed Amount</u>	<u>Current Budget Balance</u>	<u>Additional Funding Required</u>	<u>Status / Comments</u>
Sunrise Road & Nancy's Trail	June 30, 2007	State Leg.	\$0	\$68,996		Need Add. Funding Const.
La Barbara / County Road 67-F	June 30, 2010	State Leg.	\$0	\$25,000		Need Add. Funding Const.
County Road 44 A&B	June 30, 2008	State Leg.	\$0	\$0		Need Const. Schedule
Gerro Del Alamo	June 30, 2007	State Leg.	\$0	\$137,000		Design 50% Complete Need Const. Funds
North Estrella	August 2008	State Leg.	\$0	\$50,000		Need Const Schedule
La Tierra Road Improvements		State Leg.	\$0	\$50,000		Need Add. Funding Const.
Arroyo Alamo West		General Fund	\$7,841.23	\$0		Hydrologic & Design 35% Need Const Funds

Santa Fe County Projects
Public Works Department

<u>Projects</u>	<u>Estimated Completion Date</u>	<u>Funding Source</u>	<u>Current Committed Amount</u>	<u>Current Budget Balance</u>	<u>Additional Funding Required</u>	<u>Status / Comments</u>
Public Works Facility Construction	August 2008	2001 / 2005 GOB	\$16,344,237.89	\$0	\$0	Begin 3/5/2007 to be completed 520 days
10% Construction Contingency		2005 GOB	\$1,634,423.79	\$0	\$0	
Construction Mgt. Sres		2005 GOB	\$263,434.05	\$0	\$0	
Utilities to PW Facility		2005 GOB	\$150,000	\$0	\$0	Estimated Utility Cost
Fixtures & Furniture for Facility		2005 GOB & Capital Pkg.	\$0	\$0	\$1,600,000	10% Estimated Cost
Solid Waste Transfer Station-Design	August 2007	2001 GOB	\$0	\$125,000	\$0	Award Design 3/07 Estimated \$125,000
Construction of SW Facilities		2001 GOB	\$0	\$600,000	\$0	Adv. Bids 8/07 Estimated \$600,000
Speed Humps						
- CR 84-J (Grazing Elk)	April 2007	SFC GRT	\$17,350	\$0	\$0	Contractor to Begin 3/07
- CR 113-A	April 2007	SFC GRT	\$20,650	\$0	\$0	Contractor to Begin 3/07

Santa Fe County Projects Public Works Department

<u>Projects</u>	<u>Estimated Completion Date</u>	<u>Funding Source</u>	<u>Current Committed Amount</u>	<u>Current Budget Balance</u>	<u>Additional Funding Required</u>	<u>Status / Comments</u>
Speed Humps						
- CR 119-N	Spring '07	SFC GRT	\$14,050	\$0	\$0	Contractor to Begin 3/07
- Leaping Powder	Dec 2007	SFC GRT	\$17,350	\$0	\$0	Contractor to Begin 3/07
- CR 115		SFC GRT	\$14,125	\$0	\$0	Contractor to Begin 3/07
- Arroya Hondo	April 2007	SFC GRT	\$17,340	\$0	\$0	Contractor to Begin 3/07
- Camino Carlos Rael	April 2007	SFC GRT		\$14,000	\$0	Contractor to Begin 3/07
- CR 113		SFC GRT		\$11,125	\$0	Contractor to Begin 3/07
- CR 84J (Old Puelito)		SFC GRT		\$17,340	\$0	Construction In-House
- Base Course Program		SFC GRT/GF	\$0	\$125,000	\$0	Construction In-House

Santra Fe County Projects

Public Works – Transfer Station / Funding Source Overview

Funding Source

Transfer Stations

General Obligation Bond Proceeds

GOB Series 2001

\$725,000

LESS: Expended & Encumbered

\$ -

Available Balance – Series 2001

\$725,000

Total Cost for Transfer Stations

\$750,000

Total Available Funding for Transfer Stations

\$750,000

Santa Fe County Projects

Public Works - Public Works Facility / Funding Source Overview

Funding Source - Public Works Facility

General Obligation Bond Proceeds

GOB Series 2001	\$2,393,963	
LESS: Expended & Encumbered	<u>\$289,886</u>	
Available Balance - Series 2001	\$2,104,077	

GOB Series 2005	\$4,300,736	
Less: Expended & Encumbered	<u>\$</u>	
Available Balance - Series 2005	\$4,300,736	

Future Bond Sale		\$10,000,000
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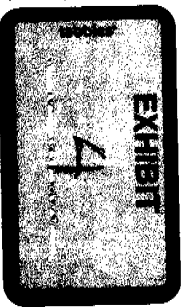
Available Funding **\$16,404,813**

Total Need for Public Works Facility

Base Bid - Construction for Facility	\$15,303,222
NMGRT @ 6.3125%	\$966,016
Alternate #1 - Wind Unit	<u>\$75,000</u>
Total Contract Cost	\$16,344,238

LESS Utility / Water System (to be paid from Water GRT)	<u>\$400,000</u>
Adjusted Contract Cost	\$15,944,238

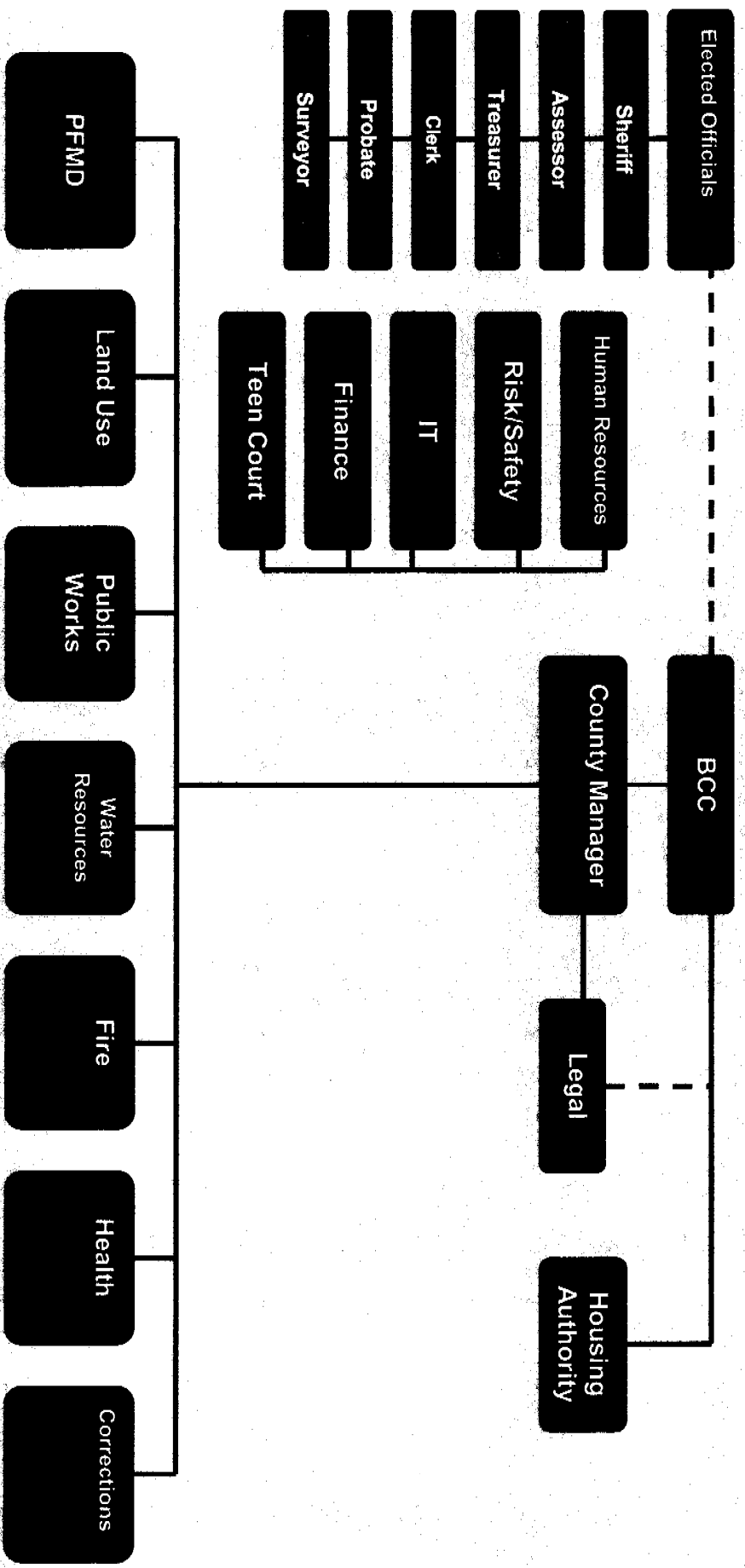
10% Contingency for Construction Contract	\$1,634,424	
Construction Management Services - Estimated Cost	\$280,955	
Utilities / Electrical Line Extension - Estimated Cost	<u>\$150,000</u>	
Total Costs of Public Works Facility		\$18,009,617



Santa Fe County

Proposed
Re-Organization
(2/21/07)

Santa Fe County Re-Org. Current Organizational Structure



Santa Fe County Reorganization

S.W.O.T Analysis

STRENGTHS (of current organization)

- Good Department Directors in Key Positions
- Staff Understands Structure

WEAKNESSES

- Too Many Departments
- Competition for Resources Where There Should be Coordination
- Poor Communication Leading to Gaps in Project Implementation
- Frustration and Waste of Resources (Duplication of Efforts)

Santa Fe County Reorganization S.W.O.T. Analysis (continued)

OPPORTUNITIES (with reorganization)

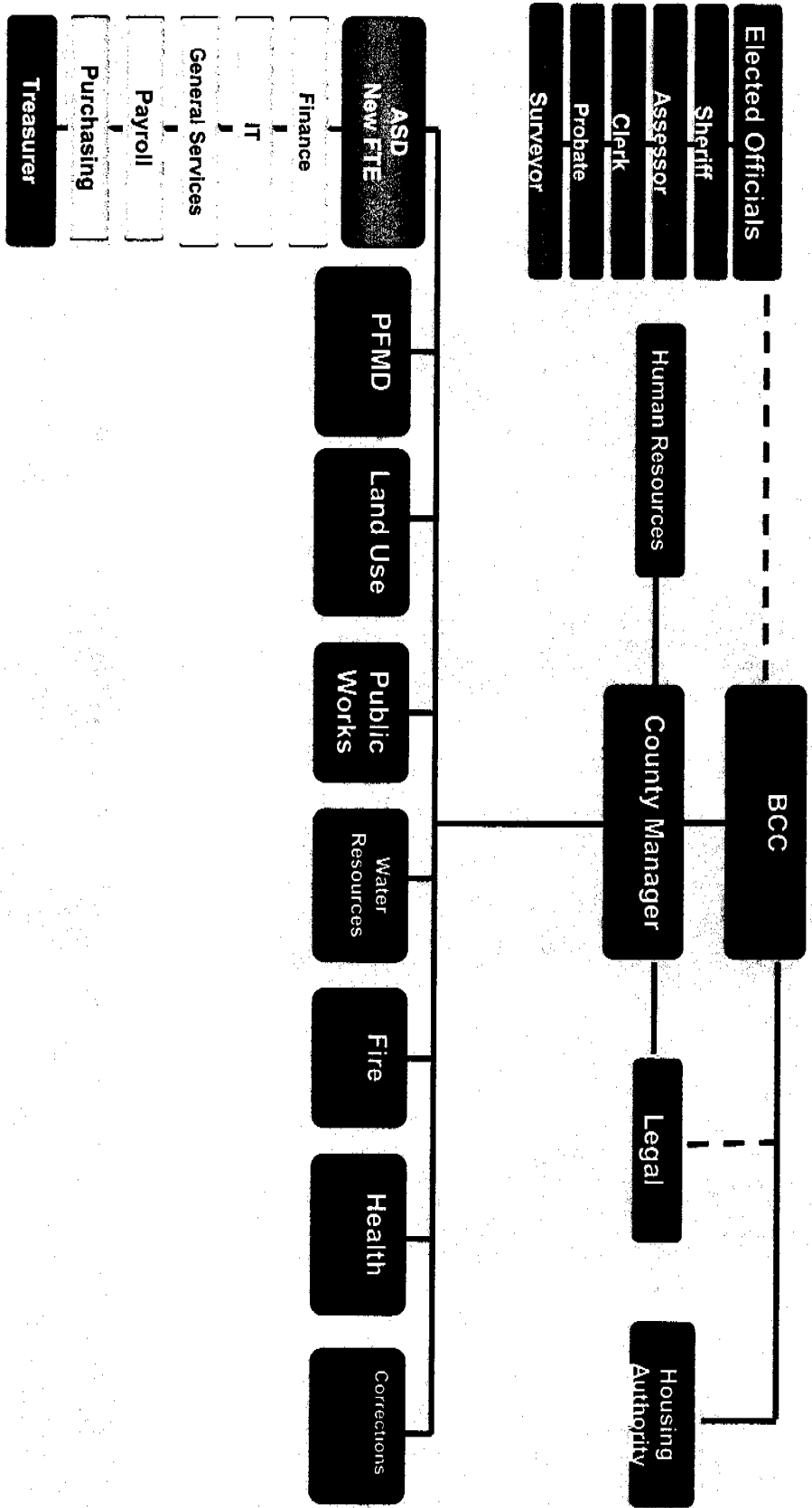
- Fewer Departments/ More Efficient Management
- Increased Opportunities for Cooperation and Collaboration on Specific Projects
- Better Communication
- Autonomy for Internal (Support) Services

THREATS

- Fear of Change
- Problems with Staff Buy-In
- Loss of Key People

Santa Fe County Re-Org. Phase I (3/07)

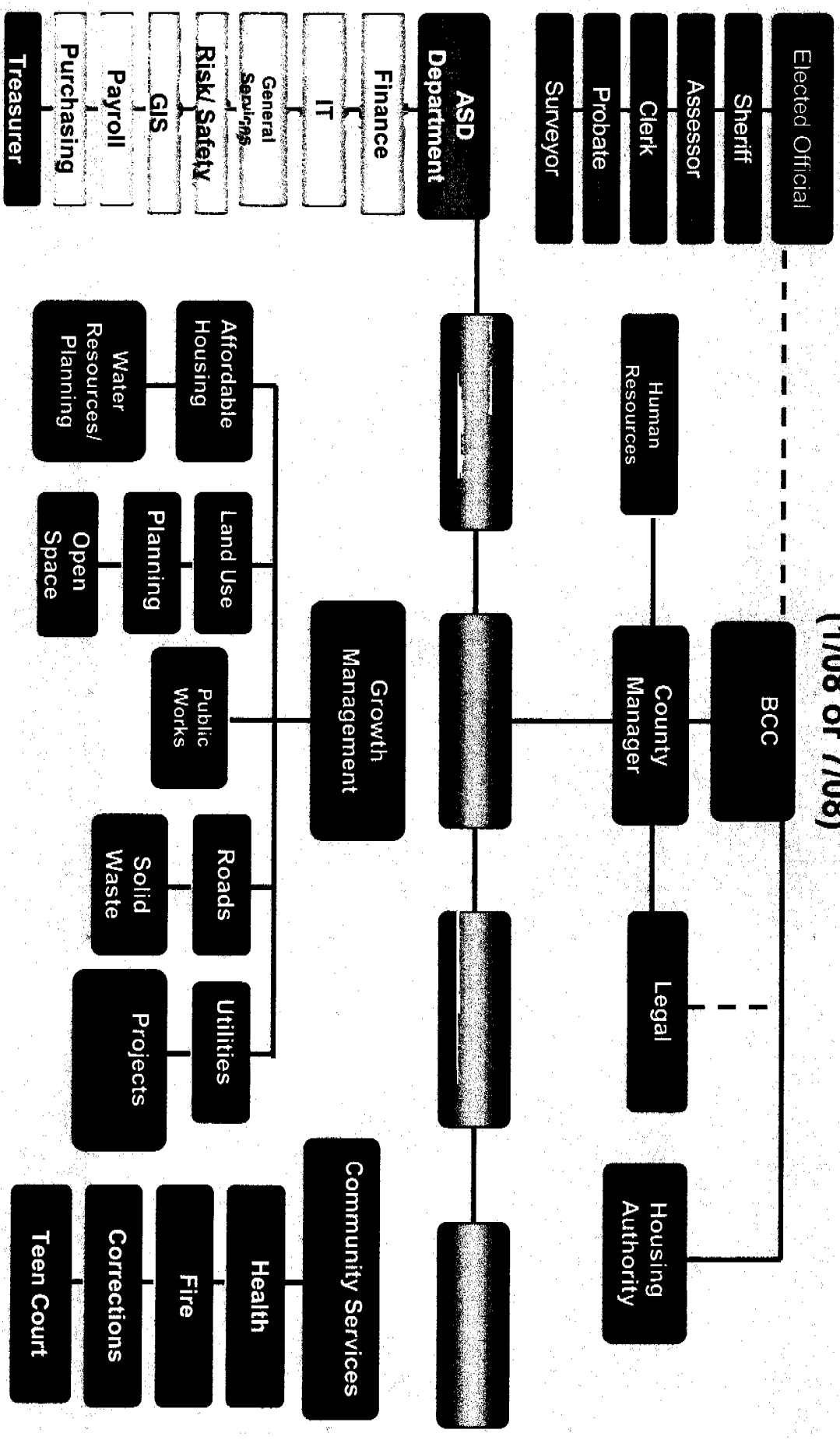
- ASD Projects
 - CAMA System Upgrade
 - Weston GIS Study Implementation
 - IT Needs Analysis
 - Liability/Workers Comp Insurance Plan
 - Payroll System Upgrade



Santa Fe County Re-Org.

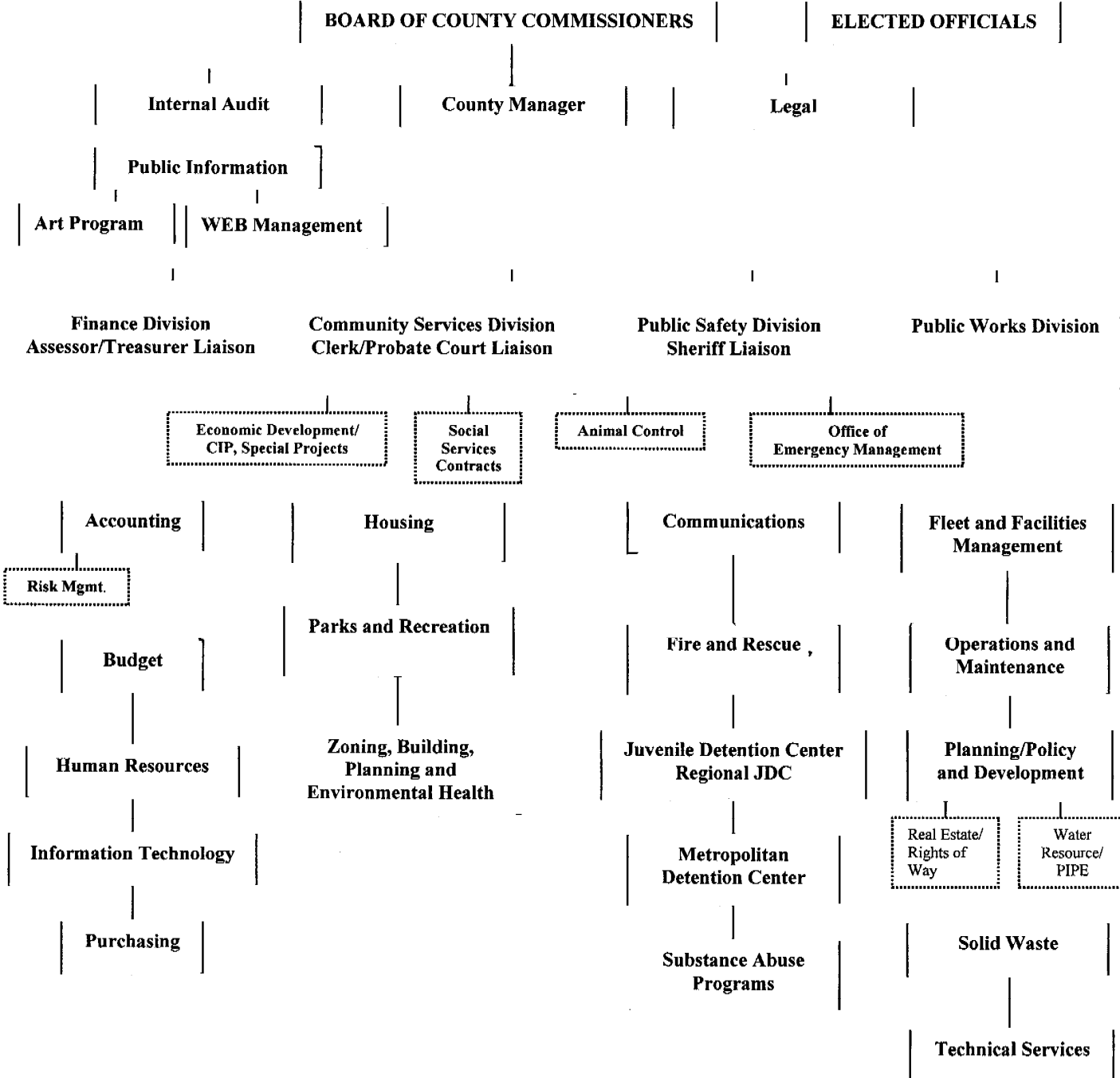
Discussion: How do we organize the Growth Management and Community Services pieces in the four gray boxes?

(1/08 or 7/08)



BERNALILLO COUNTY ORGANIZATIONAL CHART

SFC CLERK RECORDED 04/11/2007



ELECTED OFFICIALS

County Assessor
Rudy Casaus

County Clerk
Sally G. Padilla

Probate Judge
Mary Kwapich

County Sheriff
John Paul Trujillo

County Treasurer
Lorraine Dominguez

SANDOVAL COUNTY COMMISSION

District 1
William Sapien

District 2
Don Leonard

District 3
David Bency

District 4
Jack E. Thomas

District 5
Joshua Madalena

County Manager
Debbie Hays

Executive Assistant
Sherrie Duke

— **County Attorney's Office**
David Mathews

— **Community Services**
Patrick G. Baca

— **County Development**
Michael Springfield

— **Detention Center**
Jerry Paszkiewicz

— **Finance & Administration**
Leroy Arquero

— **Fire Department**
Jon Tibbetts

— **Human Resources**
Tammie Gerrard

— **Public Affairs**
Gayland Bryant

— **Public Works**
Phil Rios